

Union Calendar No. 314

108TH CONGRESS
2^D SESSION

H. R. 4568

[Report No. 108-542]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2004

Mr. TAYLOR, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Department of the Interior and related agencies for the
6 fiscal year ending September 30, 2005, and for other pur-
7 poses, namely:

1 TITLE I—DEPARTMENT OF THE INTERIOR

2 BUREAU OF LAND MANAGEMENT

3 MANAGEMENT OF LANDS AND RESOURCES

4 For necessary expenses for protection, use, improve-
5 ment, development, disposal, cadastral surveying, classi-
6 fication, acquisition of easements and other interests in
7 lands, and performance of other functions, including main-
8 tenance of facilities, as authorized by law, in the manage-
9 ment of lands and their resources under the jurisdiction
10 of the Bureau of Land Management, including the general
11 administration of the Bureau, and assessment of mineral
12 potential of public lands pursuant to Public Law 96–487
13 (16 U.S.C. 3150(a)), \$840,401,000, to remain available
14 until expended, of which \$1,000,000 is for high priority
15 projects, to be carried out by the Youth Conservation
16 Corps; \$2,232,000 is for assessment of the mineral poten-
17 tial of public lands in Alaska pursuant to section 1010
18 of Public Law 96–487; (16 U.S.C. 3150); and of which
19 not to exceed \$1,000,000 shall be derived from the special
20 receipt account established by the Land and Water Con-
21 servation Act of 1965, as amended (16 U.S.C. 460l–6a(i));
22 and of which \$3,500,000 shall be available in fiscal year
23 2005 subject to a match by at least an equal amount by
24 the National Fish and Wildlife Foundation for cost-shared
25 projects supporting conservation of Bureau lands; and

1 such funds shall be advanced to the Foundation as a lump
2 sum grant without regard to when expenses are incurred.

3 In addition, \$32,696,000 is for Mining Law Adminis-
4 tration program operations, including the cost of admin-
5 istering the mining claim fee program; to remain available
6 until expended, to be reduced by amounts collected by the
7 Bureau and credited to this appropriation from annual
8 mining claim fees so as to result in a final appropriation
9 estimated at not more than \$840,401,000, and
10 \$2,000,000, to remain available until expended, from com-
11 munication site rental fees established by the Bureau for
12 the cost of administering communication site activities:
13 *Provided*, That appropriations herein made shall not be
14 available for the destruction of healthy, unadopted, wild
15 horses and burros in the care of the Bureau or its contrac-
16 tors.

17 WILDLAND FIRE MANAGEMENT

18 For necessary expenses for fire preparedness, sup-
19 pression operations, fire science and research, emergency
20 rehabilitation, hazardous fuels reduction, and rural fire as-
21 sistance by the Department of the Interior, \$743,099,000,
22 to remain available until expended, of which not to exceed
23 \$12,374,000 shall be for the renovation or construction
24 of fire facilities: *Provided*, That such funds are also avail-
25 able for repayment of advances to other appropriation ac-
26 counts from which funds were previously transferred for

1 such purposes: *Provided further*, That persons hired pur-
2 suant to 43 U.S.C. 1469 may be furnished subsistence and
3 lodging without cost from funds available from this appro-
4 priation: *Provided further*, That notwithstanding 42
5 U.S.C. 1856d, sums received by a bureau or office of the
6 Department of the Interior for fire protection rendered
7 pursuant to 42 U.S.C. 1856 et seq., protection of United
8 States property, may be credited to the appropriation from
9 which funds were expended to provide that protection, and
10 are available without fiscal year limitation: *Provided fur-*
11 *ther*, That using the amounts designated under this title
12 of this Act, the Secretary of the Interior may enter into
13 procurement contracts, grants, or cooperative agreements,
14 for hazardous fuels reduction activities, and for training
15 and monitoring associated with such hazardous fuels re-
16 duction activities, on Federal land, or on adjacent non-
17 Federal land for activities that benefit resources on Fed-
18 eral land: *Provided further*, That the costs of implementing
19 any cooperative agreement between the Federal Govern-
20 ment and any non-Federal entity may be shared, as mutu-
21 ally agreed on by the affected parties: *Provided further*,
22 That notwithstanding requirements of the Competition in
23 Contracting Act, the Secretary, for purposes of hazardous
24 fuels reduction activities, may obtain maximum prac-
25 ticable competition among: (A) local private, nonprofit, or

1 cooperative entities; (B) Youth Conservation Corps crews
2 or related partnerships with state, local, or non-profit
3 youth groups; (C) small or micro-businesses; or (D) other
4 entities that will hire or train locally a significant percent-
5 age, defined as 50 percent or more, of the project work-
6 force to complete such contracts: *Provided further*, That
7 in implementing this section, the Secretary shall develop
8 written guidance to field units to ensure accountability
9 and consistent application of the authorities provided here-
10 in: *Provided further*, That funds appropriated under this
11 head may be used to reimburse the United States Fish
12 and Wildlife Service and the National Marine Fisheries
13 Service for the costs of carrying out their responsibilities
14 under the Endangered Species Act of 1973 (16 U.S.C.
15 1531 et seq.) to consult and conference, as required by
16 section 7 of such Act, in connection with wildland fire
17 management activities: *Provided further*, That the Sec-
18 retary of the Interior may use wildland fire appropriations
19 to enter into non-competitive sole source leases of real
20 property with local governments, at or below fair market
21 value, to construct capitalized improvements for fire facili-
22 ties on such leased properties, including but not limited
23 to fire guard stations, retardant stations, and other initial
24 attack and fire support facilities, and to make advance
25 payments for any such lease or for construction activity

1 associated with the lease: *Provided further*, That the Sec-
2 retary of the Interior and the Secretary of Agriculture
3 may authorize the transfer of funds appropriated for
4 wildland fire management, in an aggregate amount not to
5 exceed \$12,000,000, between the Departments when such
6 transfers would facilitate and expedite jointly funded
7 wildland fire management programs and projects: *Pro-*
8 *vided further*, That funds provided for wildfire suppression
9 shall be available for support of Federal emergency re-
10 sponse actions.

11 CENTRAL HAZARDOUS MATERIALS FUND

12 For necessary expenses of the Department of the In-
13 terior and any of its component offices and bureaus for
14 the remedial action, including associated activities, of haz-
15 ardous waste substances, pollutants, or contaminants pur-
16 suant to the Comprehensive Environmental Response,
17 Compensation, and Liability Act, as amended (42 U.S.C.
18 9601 et seq.), \$9,855,000, to remain available until ex-
19 pended: *Provided*, That notwithstanding 31 U.S.C. 3302,
20 sums recovered from or paid by a party in advance of or
21 as reimbursement for remedial action or response activi-
22 ties conducted by the Department pursuant to section 107
23 or 113(f) of such Act, shall be credited to this account,
24 to be available until expended without further appropria-
25 tion: *Provided further*, That such sums recovered from or
26 paid by any party are not limited to monetary payments

1 and may include stocks, bonds or other personal or real
2 property, which may be retained, liquidated, or otherwise
3 disposed of by the Secretary and which shall be credited
4 to this account.

5 CONSTRUCTION

6 For construction of buildings, recreation facilities,
7 roads, trails, and appurtenant facilities, \$15,000,000, to
8 remain available until expended.

9 LAND ACQUISITION

10 For expenses necessary to carry out sections 205,
11 206, and 318(d) of Public Law 94–579, including admin-
12 istrative expenses and acquisition of lands or waters, or
13 interests therein, \$4,500,000, to be derived from the Land
14 and Water Conservation Fund and to remain available
15 until expended.

16 OREGON AND CALIFORNIA GRANT LANDS

17 For expenses necessary for management, protection,
18 and development of resources and for construction, oper-
19 ation, and maintenance of access roads, reforestation, and
20 other improvements on the revested Oregon and California
21 Railroad grant lands, on other Federal lands in the Or-
22 egon and California land-grant counties of Oregon, and
23 on adjacent rights-of-way; and acquisition of lands or in-
24 terests therein, including existing connecting roads on or
25 adjacent to such grant lands; 111,557,000, to remain
26 available until expended: *Provided*, That 25 percent of the

1 aggregate of all receipts during the current fiscal year
2 from the revested Oregon and California Railroad grant
3 lands is hereby made a charge against the Oregon and
4 California land-grant fund and shall be transferred to the
5 General Fund in the Treasury in accordance with the sec-
6 ond paragraph of subsection (b) of title II of the Act of
7 August 28, 1937 (50 Stat. 876).

8 FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND
9 (REVOLVING FUND, SPECIAL ACCOUNT)

10 In addition to the purposes authorized in Public Law
11 102–381, funds made available in the Forest Ecosystems
12 Health and Recovery Fund can be used for the purpose
13 of planning, preparing, implementing and monitoring sal-
14 vage timber sales and forest ecosystem health and recovery
15 activities, such as release from competing vegetation and
16 density control treatments. The Federal share of receipts
17 (defined as the portion of salvage timber receipts not paid
18 to the counties under 43 U.S.C. 1181f and 43 U.S.C.
19 1181f–1 et seq., and Public Law 106–393) derived from
20 treatments funded by this account shall be deposited into
21 the Forest Ecosystems Health and Recovery Fund.

22 RANGE IMPROVEMENTS

23 For rehabilitation, protection, and acquisition of
24 lands and interests therein, and improvement of Federal
25 rangelands pursuant to section 401 of the Federal Land
26 Policy and Management Act of 1976 (43 U.S.C. 1701),

1 notwithstanding any other Act, sums equal to 50 percent
2 of all moneys received during the prior fiscal year under
3 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
4 315 et seq.) and the amount designated for range improve-
5 ments from grazing fees and mineral leasing receipts from
6 Bankhead-Jones lands transferred to the Department of
7 the Interior pursuant to law, but not less than
8 \$10,000,000, to remain available until expended: *Pro-*
9 *vided*, That not to exceed \$600,000 shall be available for
10 administrative expenses.

11 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

12 For administrative expenses and other costs related
13 to processing application documents and other authoriza-
14 tions for use and disposal of public lands and resources,
15 for costs of providing copies of official public land docu-
16 ments, for monitoring construction, operation, and termi-
17 nation of facilities in conjunction with use authorizations,
18 and for rehabilitation of damaged property, such amounts
19 as may be collected under Public Law 94–579, as amend-
20 ed, and Public Law 93–153, to remain available until ex-
21 pended: *Provided*, That notwithstanding any provision to
22 the contrary of section 305(a) of Public Law 94–579 (43
23 U.S.C. 1735(a)), any moneys that have been or will be
24 received pursuant to that section, whether as a result of
25 forfeiture, compromise, or settlement, if not appropriate
26 for refund pursuant to section 305(c) of that Act (43

1 U.S.C. 1735(c)), shall be available and may be expended
2 under the authority of this Act by the Secretary to im-
3 prove, protect, or rehabilitate any public lands adminis-
4 tered through the Bureau of Land Management which
5 have been damaged by the action of a resource developer,
6 purchaser, permittee, or any unauthorized person, without
7 regard to whether all moneys collected from each such ac-
8 tion are used on the exact lands damaged which led to
9 the action: *Provided further*, That any such moneys that
10 are in excess of amounts needed to repair damage to the
11 exact land for which funds were collected may be used to
12 repair other damaged public lands.

13 MISCELLANEOUS TRUST FUNDS

14 In addition to amounts authorized to be expended
15 under existing laws, there is hereby appropriated such
16 amounts as may be contributed under section 307 of the
17 Act of October 21, 1976 (43 U.S.C. 1701), and such
18 amounts as may be advanced for administrative costs, sur-
19 veys, appraisals, and costs of making conveyances of omit-
20 ted lands under section 211(b) of that Act, to remain
21 available until expended.

22 ADMINISTRATIVE PROVISIONS

23 Appropriations for the Bureau of Land Management
24 shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to

1 which the United States has title; up to \$100,000 for pay-
2 ments, at the discretion of the Secretary, for information
3 or evidence concerning violations of laws administered by
4 the Bureau; miscellaneous and emergency expenses of en-
5 forcement activities authorized or approved by the Sec-
6 retary and to be accounted for solely on her certificate,
7 not to exceed \$10,000: *Provided*, That notwithstanding 44
8 U.S.C. 501, the Bureau may, under cooperative cost-shar-
9 ing and partnership arrangements authorized by law, pro-
10 cure printing services from cooperators in connection with
11 jointly produced publications for which the cooperators
12 share the cost of printing either in cash or in services,
13 and the Bureau determines the cooperator is capable of
14 meeting accepted quality standards.

15 UNITED STATES FISH AND WILDLIFE SERVICE

16 RESOURCE MANAGEMENT

17 For necessary expenses of the United States Fish and
18 Wildlife Service, as authorized by law, and for scientific
19 and economic studies, maintenance of the herd of long-
20 horned cattle on the Wichita Mountains Wildlife Refuge,
21 general administration, and for the performance of other
22 authorized functions related to such resources by direct
23 expenditure, contracts, grants, cooperative agreements
24 and reimbursable agreements with public and private enti-
25 ties, \$970,494,000, to remain available until September

1 30, 2006, *Provided*, That not less than \$1,750,000 shall
2 be provided to local governments in southern California
3 for planning associated with the Natural Communities
4 Conservation Planning (NCCP) program and shall remain
5 available until expended: *Provided further*, That
6 \$2,000,000 is for high priority projects, which shall be
7 carried out by the Youth Conservation Corps: *Provided*
8 *further*, That not to exceed \$16,226,000 shall be used for
9 implementing subsections (a), (b), (c), and (e) of section
10 4 of the Endangered Species Act, as amended, for species
11 that are indigenous to the United States (except for proc-
12 essing petitions, developing and issuing proposed and final
13 regulations, and taking any other steps to implement ac-
14 tions described in subsection (c)(2)(A), (c)(2)(B)(i), or
15 (c)(2)(B)(ii)), of which not to exceed \$12,700,000 shall
16 be used for any activity regarding the designation of crit-
17 ical habitat, pursuant to subsection (a)(3), excluding liti-
18 gation support, for species listed pursuant to subsection
19 (a)(1) prior to October 1, 2004: *Provided further*, That
20 of the amount available for law enforcement, up to
21 \$400,000, to remain available until expended, may at the
22 discretion of the Secretary be used for payment for infor-
23 mation, rewards, or evidence concerning violations of laws
24 administered by the Service, and miscellaneous and emer-
25 gency expenses of enforcement activity, authorized or ap-

1 proved by the Secretary and to be accounted for solely on
2 her certificate: *Provided further*, That of the amount pro-
3 vided for environmental contaminants, up to \$1,000,000
4 may remain available until expended for contaminant sam-
5 ple analyses.

6 CONSTRUCTION

7 For construction, improvement, acquisition, or re-
8 moval of buildings and other facilities required in the con-
9 servation, management, investigation, protection, and uti-
10 lization of fishery and wildlife resources, and the acquisi-
11 tion of lands and interests therein; \$48,400,000, to remain
12 available until expended.

13 LAND ACQUISITION

14 For expenses necessary to carry out the Land and
15 Water Conservation Fund Act of 1965, as amended (16
16 U.S.C. 4601–4 through 11), including administrative ex-
17 penses, and for acquisition of land or waters, or interest
18 therein, in accordance with statutory authority applicable
19 to the United States Fish and Wildlife Service,
20 \$12,500,000, to be derived from the Land and Water Con-
21 servation Fund and to remain available until expended:
22 *Provided*, That none of the funds appropriated for specific
23 land acquisition projects can be used to pay for any ad-
24 ministrative overhead, planning or other management
25 costs.

1 LANDOWNER INCENTIVE PROGRAM

2 For expenses necessary to carry out the Land and
3 Water Conservation Fund Act of 1965, as amended (16
4 U.S.C. 4601–4 through 11), including administrative ex-
5 penses, and for private conservation efforts to be carried
6 out on private lands, \$15,000,000, to be derived from the
7 Land and Water Conservation Fund, and to remain avail-
8 able until expended: *Provided*, That the amount provided
9 herein is for a Landowner Incentive Program established
10 by the Secretary that provides matching, competitively
11 awarded grants to States, the District of Columbia, feder-
12 ally recognized Indian tribes, Puerto Rico, Guam, the
13 United States Virgin Islands, the Northern Mariana Is-
14 lands, and American Samoa, to establish or supplement
15 existing landowner incentive programs that provide tech-
16 nical and financial assistance, including habitat protection
17 and restoration, to private landowners for the protection
18 and management of habitat to benefit federally listed, pro-
19 posed, candidate, or other at-risk species on private lands.

20 PRIVATE STEWARDSHIP GRANTS

21 For expenses necessary to carry out the Land and
22 Water Conservation Fund Act of 1965, as amended (16
23 U.S.C. 4601–4 through 11), including administrative ex-
24 penses, and for private conservation efforts to be carried
25 out on private lands, \$5,000,000, to be derived from the
26 Land and Water Conservation Fund, and to remain avail-

1 able until expended: *Provided*, That the amount provided
2 herein is for the Private Stewardship Grants Program es-
3 tablished by the Secretary to provide grants and other as-
4 sistance to individuals and groups engaged in private con-
5 servation efforts that benefit federally listed, proposed,
6 candidate, or other at-risk species: *Provided further*, That
7 balances from amounts previously appropriated under the
8 heading “Stewardship Grants” shall be transferred to and
9 merged with this appropriation and shall remain available
10 until expended.

11 COOPERATIVE ENDANGERED SPECIES CONSERVATION

12 FUND

13 For expenses necessary to carry out section 6 of the
14 Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.),
15 as amended, \$81,596,000, of which \$49,384,000 is to be
16 derived from the Cooperative Endangered Species Con-
17 servation Fund and \$49,384,000 is to be derived from the
18 Land and Water Conservation Fund and to remain avail-
19 able until expended.

20 NATIONAL WILDLIFE REFUGE FUND

21 For expenses necessary to implement the Act of Octo-
22 ber 17, 1978 (16 U.S.C. 715s), \$14,414,000.

23 NORTH AMERICAN WETLANDS CONSERVATION FUND

24 For expenses necessary to carry out the provisions
25 of the North American Wetlands Conservation Act, Public

1 Law 101–233, as amended, \$38,000,000, to remain avail-
2 able until expended.

3 NEOTROPICAL MIGRATORY BIRD CONSERVATION

4 For financial assistance for projects to promote the
5 conservation of neotropical migratory birds in accordance
6 with the Neotropical Migratory Bird Conservation Act,
7 Public Law 106–247 (16 U.S.C. 6101–6109), \$4,400,000,
8 to remain available until expended.

9 MULTINATIONAL SPECIES CONSERVATION FUND

10 For expenses necessary to carry out the African Ele-
11 phant Conservation Act (16 U.S.C. 4201–4203, 4211–
12 4213, 4221–4225, 4241–4245, and 1538), the Asian Ele-
13 phant Conservation Act of 1997 (Public Law 105–96; 16
14 U.S.C. 4261–4266), the Rhinoceros and Tiger Conserva-
15 tion Act of 1994 (16 U.S.C. 5301–5306), and the Great
16 Ape Conservation Act of 2000 (16 U.S.C. 6301),
17 \$5,900,000, to remain available until expended.

18 STATE AND TRIBAL WILDLIFE GRANTS

19 For wildlife conservation grants to States and to the
20 District of Columbia, Puerto Rico, Guam, the United
21 States Virgin Islands, the Northern Mariana Islands,
22 American Samoa, and federally recognized Indian tribes
23 under the provisions of the Fish and Wildlife Act of 1956
24 and the Fish and Wildlife Coordination Act, for the devel-
25 opment and implementation of programs for the benefit
26 of wildlife and their habitat, including species that are not

1 hunted or fished, \$67,500,000, to be derived from the
2 Land and Water Conservation Fund, and to remain avail-
3 able until expended: *Provided*, That of the amount pro-
4 vided herein, \$6,000,000 is for a competitive grant pro-
5 gram for Indian tribes not subject to the remaining provi-
6 sions of this appropriation: *Provided further*, That the Sec-
7 retary shall, after deducting said \$6,000,000 and adminis-
8 trative expenses, apportion the amount provided herein in
9 the following manner: (A) to the District of Columbia and
10 to the Commonwealth of Puerto Rico, each a sum equal
11 to not more than one-half of 1 percent thereof; and (B)
12 to Guam, American Samoa, the United States Virgin Is-
13 lands, and the Commonwealth of the Northern Mariana
14 Islands, each a sum equal to not more than one-fourth
15 of 1 percent thereof: *Provided further*, That the Secretary
16 shall apportion the remaining amount in the following
17 manner: (A) one-third of which is based on the ratio to
18 which the land area of such State bears to the total land
19 area of all such States; and (B) two-thirds of which is
20 based on the ratio to which the population of such State
21 bears to the total population of all such States: *Provided*
22 *further*, That the amounts apportioned under this para-
23 graph shall be adjusted equitably so that no State shall
24 be apportioned a sum which is less than 1 percent of the
25 amount available for apportionment under this paragraph

1 for any fiscal year or more than 5 percent of such amount:
2 *Provided further*, That the Federal share of planning
3 grants shall not exceed 75 percent of the total costs of
4 such projects and the Federal share of implementation
5 grants shall not exceed 50 percent of the total costs of
6 such projects: *Provided further*, That the non-Federal
7 share of such projects may not be derived from Federal
8 grant programs: *Provided further*, That no State, terri-
9 tory, or other jurisdiction shall receive a grant unless it
10 has developed, or committed to develop by October 1,
11 2005, a comprehensive wildlife conservation plan, con-
12 sistent with criteria established by the Secretary of the
13 Interior, that considers the broad range of the State, terri-
14 tory, or other jurisdiction's wildlife and associated habi-
15 tats, with appropriate priority placed on those species with
16 the greatest conservation need and taking into consider-
17 ation the relative level of funding available for the con-
18 servation of those species: *Provided further*, That any
19 amount apportioned in 2005 to any State, territory, or
20 other jurisdiction that remains unobligated as of Sep-
21 tember 30, 2006, shall be reapportioned, together with
22 funds appropriated in 2007, in the manner provided here-
23 in: *Provided further*, That balances from amounts pre-
24 viously appropriated under the heading "State Wildlife

1 Grants” shall be transferred to and merged with this ap-
2 propriation and shall remain available until expended.

3 ADMINISTRATIVE PROVISIONS

4 Appropriations and funds available to the United
5 States Fish and Wildlife Service shall be available for pur-
6 chase of not to exceed 179 passenger motor vehicles, of
7 which 161 are for replacement only (including 44 for po-
8 lice-type use); repair of damage to public roads within and
9 adjacent to reservation areas caused by operations of the
10 Service; options for the purchase of land at not to exceed
11 \$1 for each option; facilities incident to such public rec-
12 reational uses on conservation areas as are consistent with
13 their primary purpose; and the maintenance and improve-
14 ment of aquaria, buildings, and other facilities under the
15 jurisdiction of the Service and to which the United States
16 has title, and which are used pursuant to law in connection
17 with management, and investigation of fish and wildlife
18 resources: *Provided*, That notwithstanding 44 U.S.C. 501,
19 the Service may, under cooperative cost sharing and part-
20 nership arrangements authorized by law, procure printing
21 services from cooperators in connection with jointly pro-
22 duced publications for which the cooperators share at least
23 one-half the cost of printing either in cash or services and
24 the Service determines the cooperator is capable of meet-
25 ing accepted quality standards: *Provided further*, That not-
26 withstanding any other provision of law, the service may

1 use up to \$2,000,000 from funds provided for contracts
2 for employment-related legal services: *Provided further*,
3 That the Service may accept donated aircraft as replace-
4 ments for existing aircraft: *Provided further*, That not-
5 withstanding any other provision of law, the Secretary of
6 the Interior may not spend any of the funds appropriated
7 in this Act for the purchase of lands or interests in lands
8 to be used in the establishment of any new unit of the
9 National Wildlife Refuge System unless the purchase is
10 approved in advance by the House and Senate Committees
11 on Appropriations in compliance with the reprogramming
12 procedures contained in House Report 108–330.

13 NATIONAL PARK SERVICE

14 OPERATION OF THE NATIONAL PARK SYSTEM

15 For expenses necessary for the management, oper-
16 ation, and maintenance of areas and facilities adminis-
17 tered by the National Park Service (including special road
18 maintenance service to trucking permittees on a reimburs-
19 able basis), and for the general administration of the Na-
20 tional Park Service, \$1,686,067,000, of which
21 \$10,708,000 is for planning and interagency coordination
22 in support of Everglades restoration and shall remain
23 available until expended; of which \$94,690,000, to remain
24 available until September 30, 2005, is for maintenance,
25 repair or rehabilitation projects for constructed assets, op-

1 eration of the National Park Service automated facility
2 management software system, and comprehensive facility
3 condition assessments; and of which \$2,000,000 is for the
4 Youth Conservation Corps for high priority projects: *Pro-*
5 *vided*, That the only funds in this account which may be
6 made available to support United States Park Police are
7 those funds approved for emergency law and order inci-
8 dents pursuant to established National Park Service pro-
9 cedures, those funds needed to maintain and repair United
10 States Park Police administrative facilities, and those
11 funds necessary to reimburse the United States Park Po-
12 lice account for the unbudgeted overtime and travel costs
13 associated with special events for an amount not to exceed
14 \$10,000 per event subject to the review and concurrence
15 of the Washington headquarters office.

16 UNITED STATES PARK POLICE

17 For expenses necessary to carry out the programs of
18 the United States Park Police, \$81,204,000.

19 NATIONAL RECREATION AND PRESERVATION

20 For expenses necessary to carry out recreation pro-
21 grams, natural programs, cultural programs, heritage
22 partnership programs, environmental compliance and re-
23 view, international park affairs, statutory or contractual
24 aid for other activities, and grant administration, not oth-
25 erwise provided for, \$53,877,000: *Provided*, That
26 \$700,000 from the Statutory and Contractual Aid Ac-

1 count shall be provided to the City of Tacoma, Washington
2 for the purpose of conducting a feasibility study for the
3 Train to the Mountain project: *Provided further*, That
4 none of the funds in this or previous Acts for the Rivers,
5 Trails and Conservation Assistance Program may be used
6 for cooperative agreements, contracts, or cash grants.

7 HISTORIC PRESERVATION FUND

8 For expenses necessary in carrying out the Historic
9 Preservation Act of 1966, as amended (16 U.S.C. 470),
10 and the Omnibus Parks and Public Lands Management
11 Act of 1996 (Public Law 104–333), \$71,533,000, to be
12 derived from the Historic Preservation Fund, to remain
13 available until September 30, 2006, of which \$30,000,000
14 shall be for Save America’s Treasures for priority preser-
15 vation projects, of nationally significant sites, structures,
16 and artifacts: *Provided*, That any individual Save Amer-
17 ica’s Treasures grant shall be matched by non-Federal
18 funds: *Provided further*, That individual projects shall only
19 be eligible for one grant, and all projects to be funded shall
20 be approved by the House and Senate Committees on Ap-
21 propriations and the Secretary of the Interior in consulta-
22 tion with the President’s Committee on the Arts and Hu-
23 manities prior to the commitment of grant funds: *Provided*
24 *further*, That Save America’s Treasures funds allocated
25 for Federal projects, following approval, shall be available
26 by transfer to appropriate accounts of individual agencies.

1 CONSTRUCTION

2 For construction, improvements, repair or replace-
3 ment of physical facilities, including the modifications au-
4 thorized by section 104 of the Everglades National Park
5 Protection and Expansion Act of 1989, \$297,628,000, to
6 remain available until expended: *Provided*, That none of
7 the funds available to the National Park Service may be
8 used to plan, design, or construct any partnership project
9 with a total value in excess of \$5,000,000, without ad-
10 vance, written approval of the House and Senate Commit-
11 tees on Appropriations: *Provided further*, That, notwith-
12 standing any other provision of law, the National Park
13 Service may not accept donations or services associated
14 with the planning, design, or construction of such new fa-
15 cilities without advance written approval of the House and
16 Senate Committees on Appropriations: *Provided further*,
17 That these restrictions do not apply to the Flight 93 Me-
18 morial: *Provided further*, That none of the funds provided
19 in this or any other Act may be used for planning, design,
20 or construction of any underground security screening or
21 visitor contact facility at the Washington Monument until
22 such facility has been approved in writing by the House
23 and Senate Committees on Appropriations: *Provided fur-*
24 *ther*, That funds appropriated in this Act and in any prior
25 Acts for the purpose of implementing the Modified Water

1 Deliveries to Everglades National Park Project shall be
2 available for expenditure unless the joint report of the Sec-
3 retary of the Interior, the Secretary of the Army, the Ad-
4 ministrator of the Environmental Protection Agency, and
5 the Attorney General which shall be filed within 90 days
6 of enactment of this Act and by September 30 each year
7 thereafter until December 31, 2006, to the House and
8 Senate Committees on Appropriations, the House Com-
9 mittee on Transportation and Infrastructure, the House
10 Committee on Resources and the Senate Committee on
11 Environment and Public Works, indicates that the water
12 entering A.R.M. Loxahatchee National Wildlife Refuge
13 and Everglades National Park does not meet applicable
14 State water quality standards and numeric criteria adopt-
15 ed for phosphorus throughout A.R.M. Loxahatchee Na-
16 tional Wildlife Refuge and Everglades National Park, as
17 well as water quality requirements set forth in the Consent
18 Decree entered in United States v. South Florida Water
19 Management District, and that the House and Senate
20 Committees on Appropriations respond in writing dis-
21 approving the further expenditure of funds.

22 LAND AND WATER CONSERVATION FUND

23 (RESCISSION)

24 The contract authority provided for fiscal year 2005
25 by 16 U.S.C. 460l-10a is rescinded.

1 LAND ACQUISITION AND STATE ASSISTANCE

2 For expenses necessary to carry out the Land and
3 Water Conservation Act of 1965, as amended (16 U.S.C.
4 4601-4 through 11), including administrative expenses,
5 and for acquisition of lands or waters, or interest therein,
6 in accordance with the statutory authority applicable to
7 the National Park Service, \$107,500,000, to be derived
8 from the Land and Water Conservation Fund and to re-
9 main available until expended, of which \$91,500,000 is for
10 the State assistance program including \$1,500,000 to ad-
11 minister this program: *Provided*, That none of the funds
12 provided for the State assistance program may be used
13 to establish a contingency fund.

14 ADMINISTRATIVE PROVISIONS

15 Appropriations for the National Park Service shall be
16 available for the purchase of not to exceed 249 passenger
17 motor vehicles, of which 202 shall be for replacement only,
18 including not to exceed 193 for police-type use, 10 buses,
19 and 8 ambulances: *Provided*, That none of the funds ap-
20 propriated to the National Park Service may be used to
21 process any grant or contract documents which do not in-
22 clude the text of 18 U.S.C. 1913: *Provided further*, That
23 none of the funds appropriated to the National Park Serv-
24 ice may be used to implement an agreement for the rede-
25 velopment of the southern end of Ellis Island until such
26 agreement has been submitted to the Congress and shall

1 not be implemented prior to the expiration of 30 calendar
2 days (not including any day in which either House of Con-
3 gress is not in session because of adjournment of more
4 than 3 calendar days to a day certain) from the receipt
5 by the Speaker of the House of Representatives and the
6 President of the Senate of a full and comprehensive report
7 on the development of the southern end of Ellis Island,
8 including the facts and circumstances relied upon in sup-
9 port of the proposed project: *Provided further*, That appro-
10 priations available to the National Park Service may be
11 used to maintain the following areas in Washington, Dis-
12 trict of Columbia: Jackson Place, Madison Place, and
13 Pennsylvania Avenue between 15th and 17th Streets,
14 Northwest.

15 None of the funds in this Act may be spent by the
16 National Park Service for activities taken in direct re-
17 sponse to the United Nations Biodiversity Convention.

18 The National Park Service may distribute to oper-
19 ating units based on the safety record of each unit the
20 costs of programs designed to improve workplace and em-
21 ployee safety, and to encourage employees receiving work-
22 ers' compensation benefits pursuant to chapter 81 of title
23 5, United States Code, to return to appropriate positions
24 for which they are medically able.

1 Notwithstanding any other provision of law, in fiscal
2 year 2005, with respect to the administration of the Na-
3 tional Park Service park pass program by the National
4 Park Foundation, the Secretary may pay to the Founda-
5 tion administrative funds expected to be received in that
6 fiscal year before the revenues are collected, so long as
7 total payments in the administrative account do not exceed
8 total revenue collected and deposited in that account by
9 the end of the fiscal year.

10 If the Secretary of the Interior considers the decision
11 of any value determination proceeding conducted under a
12 National Park Service concession contract issued prior to
13 November 13, 1998, to misinterpret and/or misapply rel-
14 evant contractual requirements, and their underlying legal
15 authority, the Secretary may seek the de novo review of
16 the value determination by the United States Court of
17 Federal Claims, and that court may make an order affirm-
18 ing, vacating, modifying or correcting the determination.

19 In addition to other uses set forth in section 407(d)
20 of Public Law 105–391, franchise fees credited to a sub-
21 account shall be available for expenditure by the Sec-
22 retary, without further appropriation, for use at any unit
23 within the National Park System to extinguish or reduce
24 liability for Possessory Interest or leasehold surrender in-
25 terest. Such funds may only be used for this purpose to

1 the extent that the benefiting unit anticipated franchise
2 fee receipts over the term of the contract at that unit ex-
3 ceed the amount of funds used to extinguish or reduce
4 liability. Franchise fees at the benefiting unit shall be
5 credited to the sub-account of the originating unit over
6 a period not to exceed the term of a single contract at
7 the benefiting unit, in the amount of funds so expended
8 to extinguish or reduce liability.

9 UNITED STATES GEOLOGICAL SURVEY

10 SURVEYS, INVESTIGATIONS, AND RESEARCH

11 For expenses necessary for the United States Geo-
12 logical Survey to perform surveys, investigations, and re-
13 search covering topography, geology, hydrology, biology,
14 and the mineral and water resources of the United States,
15 its territories and possessions, and other areas as author-
16 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
17 to their mineral and water resources; give engineering su-
18 pervision to power permittees and Federal Energy Regu-
19 latory Commission licensees; administer the minerals ex-
20 ploration program (30 U.S.C. 641); and publish and dis-
21 seminate data relative to the foregoing activities; and to
22 conduct inquiries into the economic conditions affecting
23 mining and materials processing industries (30 U.S.C. 3,
24 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes
25 as authorized by law and to publish and disseminate data;

1 \$944,498,000, of which \$63,262,000 shall be available
2 only for cooperation with States or municipalities for
3 water resources investigations; and of which \$16,185,000
4 shall remain available until expended for conducting in-
5 quires into the economic conditions affecting mining and
6 materials processing industries; and of which \$7,901,000
7 shall remain available until expended for satellite oper-
8 ations; and of which \$20,099,000 shall be available until
9 September 30, 2006, for the operation and maintenance
10 of facilities and deferred maintenance; and of which
11 \$1,600,000 shall be available until expended for deferred
12 maintenance and capital improvement projects that exceed
13 \$100,000 in cost; and of which \$171,976,000 shall be
14 available until September 30, 2006, for the biological re-
15 search activity and the operation of the Cooperative Re-
16 search Units: *Provided*, That none of these funds provided
17 for the biological research activity shall be used to conduct
18 new surveys on private property, unless specifically au-
19 thorized in writing by the property owner: *Provided fur-*
20 *ther*, That no part of this appropriation shall be used to
21 pay more than one-half the cost of topographic mapping
22 or water resources data collection and investigations car-
23 ried on in cooperation with States and municipalities.

24 ADMINISTRATIVE PROVISIONS

25 The amount appropriated for the United States Geo-
26 logical Survey shall be available for the purchase and re-

1 placement of passenger motor vehicles; reimbursement to
2 the General Services Administration for security guard
3 services; contracting for the furnishing of topographic
4 maps and for the making of geophysical or other special-
5 ized surveys when it is administratively determined that
6 such procedures are in the public interest; construction
7 and maintenance of necessary buildings and appurtenant
8 facilities; acquisition of lands for gauging stations and ob-
9 servation wells; expenses of the United States National
10 Committee on Geology; and payment of compensation and
11 expenses of persons on the rolls of the Survey duly ap-
12 pointed to represent the United States in the negotiation
13 and administration of interstate compacts: *Provided*, That
14 activities funded by appropriations herein made may be
15 accomplished through the use of contracts, grants, or co-
16 operative agreements as defined in 31 U.S.C. 6302 et seq.:
17 *Provided further*, That the United States Geological Sur-
18 vey may enter into contracts or cooperative agreements
19 directly with individuals or indirectly with institutions or
20 nonprofit organizations, without regard to 41 U.S.C. 5,
21 for the temporary or intermittent services of students or
22 recent graduates, who shall be considered employees for
23 the purpose of chapters 57 and 81 of title 5, United States
24 Code, relating to compensation for travel and work inju-
25 ries, and chapter 171 of title 28, United States Code, re-

1 lating to tort claims, but shall not be considered to be Fed-
2 eral employees for any other purposes.

3 MINERALS MANAGEMENT SERVICE

4 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

5 For expenses necessary for minerals leasing and envi-
6 ronmental studies, regulation of industry operations, and
7 collection of royalties, as authorized by law; for enforcing
8 laws and regulations applicable to oil, gas, and other min-
9 erals leases, permits, licenses and operating contracts; and
10 for matching grants or cooperative agreements; including
11 the purchase of not to exceed eight passenger motor vehi-
12 cles for replacement only, \$171,575,000, of which
13 \$81,906,000 shall be available for royalty management ac-
14 tivities; and an amount not to exceed \$103,730,000, to
15 be credited to this appropriation and to remain available
16 until expended, from additions to receipts resulting from
17 increases to rates in effect on August 5, 1993, from rate
18 increases to fee collections for Outer Continental Shelf ad-
19 ministrative activities performed by the Minerals Manage-
20 ment Service (MMS) over and above the rates in effect
21 on September 30, 1993, and from additional fees for
22 Outer Continental Shelf administrative activities estab-
23 lished after September 30, 1993: *Provided*, That to the
24 extent \$103,730,000 in additions to receipts are not real-
25 ized from the sources of receipts stated above, the amount

1 needed to reach \$103,730,000 shall be credited to this ap-
2 propriation from receipts resulting from rental rates for
3 Outer Continental Shelf leases in effect before August 5,
4 1993: *Provided further*, That \$3,000,000 for computer ac-
5 quisitions shall remain available until September 30,
6 2006: *Provided further*, That funds appropriated under
7 this Act shall be available for the payment of interest in
8 accordance with 30 U.S.C. 1721(b) and (d): *Provided fur-*
9 *ther*, That not to exceed \$3,000 shall be available for rea-
10 sonable expenses related to promoting volunteer beach and
11 marine cleanup activities: *Provided further*, That notwith-
12 standing any other provision of law, \$15,000 under this
13 heading shall be available for refunds of overpayments in
14 connection with certain Indian leases in which the Direc-
15 tor of MMS concurred with the claimed refund due, to
16 pay amounts owed to Indian allottees or tribes, or to cor-
17 rect prior unrecoverable erroneous payments: *Provided*
18 *further*, That MMS may under the royalty-in-kind pilot
19 program, or under its authority to transfer oil to the Stra-
20 tegic Petroleum Reserve, use a portion of the revenues
21 from royalty-in-kind sales, without regard to fiscal year
22 limitation, to pay for transportation to wholesale market
23 centers or upstream pooling points, and to process or oth-
24 erwise dispose of royalty production taken in kind, and
25 to recover MMS transportation costs, salaries, and other

1 administrative costs directly related to filling the Strategic
2 Petroleum Reserve: *Provided further*, That MMS shall
3 analyze and document the expected return in advance of
4 any royalty-in-kind sales to assure to the maximum extent
5 practicable that royalty income under the pilot program
6 is equal to or greater than royalty income recognized
7 under a comparable royalty-in-value program: *Provided*
8 *further*, That in fiscal year 2005 and thereafter, notwith-
9 standing 30 U.S.C. 191(a) and 43 U.S.C. 1338, the Sec-
10 retary shall pay, not to exceed \$499,000 annually,
11 amounts owed to States under the provision of 30 U.S.C.
12 1721(b) from amounts received as current receipts from
13 bonuses, royalties, interest collected from lessees and des-
14 ignees, and rentals of the public lands and the outer conti-
15 nental shelf under provisions of the Mineral Leasing Act
16 (30 U.S.C. 181 et seq.), and the Outer Continental Shelf
17 Lands Act (43 U.S.C. 1331 et seq.), which are not payable
18 to a State or the Reclamation Fund.

19 OIL SPILL RESEARCH

20 For necessary expenses to carry out title I, section
21 1016, title IV, sections 4202 and 4303, title VII, and title
22 VIII, section 8201 of the Oil Pollution Act of 1990,
23 \$7,105,000, which shall be derived from the Oil Spill Li-
24 ability Trust Fund, to remain available until expended.

1 the Abandoned Mine Reclamation Fund and to remain
2 available until expended; of which up to \$10,000,000, to
3 be derived from the Federal Expenses Share of the Fund,
4 shall be for supplemental grants to States for the reclama-
5 tion of abandoned sites with acid mine rock drainage from
6 coal mines, and for associated activities, through the Ap-
7 palachian Clean Streams Initiative: *Provided*, That grants
8 to minimum program States will be \$1,500,000 per State
9 in fiscal year 2005: *Provided further*, That pursuant to
10 Public Law 97–365, the Department of the Interior is au-
11 thorized to use up to 20 percent from the recovery of the
12 delinquent debt owed to the United States Government to
13 pay for contracts to collect these debts: *Provided further*,
14 That funds made available under title IV of Public Law
15 95–87 may be used for any required non-Federal share
16 of the cost of projects funded by the Federal Government
17 for the purpose of environmental restoration related to
18 treatment or abatement of acid mine drainage from aban-
19 doned mines: *Provided further*, That such projects must
20 be consistent with the purposes and priorities of the Sur-
21 face Mining Control and Reclamation Act: *Provided fur-*
22 *ther*, That the State of Maryland may set aside the greater
23 of \$1,000,000 or 10 percent of the total of the grants
24 made available to the State under title IV of the Surface
25 Mining Control and Reclamation Act of 1977, as amended

1 (30 U.S.C. 1231 et seq.), if the amount set aside is depos-
2 ited in an acid mine drainage abatement and treatment
3 fund established under a State law, pursuant to which law
4 the amount (together with all interest earned on the
5 amount) is expended by the State to undertake acid mine
6 drainage abatement and treatment projects, except that
7 before any amounts greater than 10 percent of its title
8 IV grants are deposited in an acid mine drainage abate-
9 ment and treatment fund, the State of Maryland must
10 first complete all Surface Mining Control and Reclamation
11 Act priority one projects: *Provided further*, That amounts
12 provided under this heading may be used for the travel
13 and per diem expenses of State and tribal personnel at-
14 tending Office of Surface Mining Reclamation and En-
15 forcement sponsored training.

16 BUREAU OF INDIAN AFFAIRS

17 OPERATION OF INDIAN PROGRAMS

18 For expenses necessary for the operation of Indian
19 programs, as authorized by law, including the Snyder Act
20 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
21 termination and Education Assistance Act of 1975 (25
22 U.S.C. 450 et seq.), as amended, the Education Amend-
23 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
24 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
25 as amended, \$1,935,033,000, to remain available until

1 September 30, 2006 except as otherwise provided herein,
2 of which not to exceed \$85,638,000 shall be for welfare
3 assistance payments and notwithstanding any other provi-
4 sion of law, including but not limited to the Indian Self-
5 Determination Act of 1975, as amended, not to exceed
6 \$133,314,000 shall be available for payments to tribes and
7 tribal organizations for contract support costs associated
8 with ongoing contracts, grants, compacts, or annual fund-
9 ing agreements entered into with the Bureau prior to or
10 during fiscal year 2005, as authorized by such Act except
11 that tribes and tribal organizations may use their tribal
12 priority allocations for unmet indirect costs of ongoing
13 contracts, grants, or compacts, or annual funding agree-
14 ments and for unmet welfare assistance costs; and of
15 which not to exceed \$458,057,000 for school operations
16 costs of Bureau-funded schools and other education pro-
17 grams shall become available on July 1, 2005, and shall
18 remain available until September 30, 2006; and of which
19 not to exceed \$61,409,000 shall remain available until ex-
20 pended for housing improvement, road maintenance, at-
21 torney fees, litigation support, the Indian Self-Determina-
22 tion Fund, land records improvement, and the Navajo-
23 Hopi Settlement Program: *Provided*, That notwith-
24 standing any other provision of law, including but not lim-
25 ited to the Indian Self-Determination Act of 1975, as

1 amended, and 25 U.S.C. 2008, not to exceed \$45,348,000
2 within and only from such amounts made available for
3 school operations shall be available to tribes and tribal or-
4 ganizations for administrative cost grants associated with
5 ongoing grants entered into with the Bureau prior to or
6 during fiscal year 2004 for the operation of Bureau-fund-
7 ed schools, and up to \$3,000,000 within and only from
8 such amounts made available for school operations shall
9 be available for the transitional costs of initial administra-
10 tive cost grants to tribes and tribal organizations that
11 enter into grants for the operation on or after July 1,
12 2004 of Bureau-operated schools: *Provided further*, That
13 any forestry funds allocated to a tribe which remain unob-
14 ligated as of September 30, 2006, may be transferred dur-
15 ing fiscal year 2007 to an Indian forest land assistance
16 account established for the benefit of such tribe within the
17 tribe's trust fund account: *Provided further*, That any such
18 unobligated balances not so transferred shall expire on
19 September 30, 2007.

20 CONSTRUCTION

21 For construction, repair, improvement, and mainte-
22 nance of irrigation and power systems, buildings, utilities,
23 and other facilities, including architectural and engineer-
24 ing services by contract; acquisition of lands, and interests
25 in lands; and preparation of lands for farming, and for
26 construction of the Navajo Indian Irrigation Project pur-

1 suant to Public Law 87-483, \$348,626,000, to remain
2 available until expended: *Provided*, That such amounts as
3 may be available for the construction of the Navajo Indian
4 Irrigation Project may be transferred to the Bureau of
5 Reclamation: *Provided further*, That not to exceed 6 per-
6 cent of contract authority available to the Bureau of In-
7 dian Affairs from the Federal Highway Trust Fund may
8 be used to cover the road program management costs of
9 the Bureau: *Provided further*, That any funds provided for
10 the Safety of Dams program pursuant to 25 U.S.C. 13
11 shall be made available on a nonreimbursable basis: *Pro-*
12 *vided further*, That for fiscal year 2005, in implementing
13 new construction or facilities improvement and repair
14 project grants in excess of \$100,000 that are provided to
15 tribally controlled grant schools under Public Law 100-
16 297, as amended, the Secretary of the Interior shall use
17 the Administrative and Audit Requirements and Cost
18 Principles for Assistance Programs contained in 43 CFR
19 part 12 as the regulatory requirements: *Provided further*,
20 That such grants shall not be subject to section 12.61 of
21 43 CFR; the Secretary and the grantee shall negotiate and
22 determine a schedule of payments for the work to be per-
23 formed: *Provided further*, That in considering applications,
24 the Secretary shall consider whether the Indian tribe or
25 tribal organization would be deficient in assuring that the

1 construction projects conform to applicable building stand-
2 ards and codes and Federal, tribal, or State health and
3 safety standards as required by 25 U.S.C. 2005(b), with
4 respect to organizational and financial management capa-
5 bilities: *Provided further*, That if the Secretary declines an
6 application, the Secretary shall follow the requirements
7 contained in 25 U.S.C. 2504(f): *Provided further*, That
8 any disputes between the Secretary and any grantee con-
9 cerning a grant shall be subject to the disputes provision
10 in 25 U.S.C. 2507(e): *Provided further*, That, of the funds
11 provided for the tribal school demonstration program, not-
12 withstanding the provisions of paragraph (b)(1) of section
13 122 of division F of Public Law 108–7, as amended by
14 section 136 of Public Law 108–108, \$4,500,000 is for the
15 Eastern Band of Cherokee education campus at the
16 Ravensford tract.

17 INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
18 MISCELLANEOUS PAYMENTS TO INDIANS

19 For miscellaneous payments to Indian tribes and in-
20 dividuals and for necessary administrative expenses,
21 \$44,771,000, to remain available until expended, for im-
22 plementation of enacted Indian land and water claim set-
23 tlements pursuant to Public Laws 99–264, 100–580, 101–
24 618, 106–554, 107–331, and 108–34, and for implemen-
25 tation of other land and water rights settlements; and of
26 which \$10,032,000 shall be available for payment to the

1 Quinault Indian Nation pursuant to the terms of the
2 North Boundary Settlement Agreement dated July 14,
3 2000, providing for the acquisition of perpetual conserva-
4 tion easements from the Nation.

5 INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

6 For the cost of guaranteed and insured loans,
7 \$6,421,000, of which \$695,000 is for administrative ex-
8 penses, as authorized by the Indian Financing Act of
9 1974, as amended: *Provided*, That such costs, including
10 the cost of modifying such loans, shall be as defined in
11 section 502 of the Congressional Budget Act of 1974: *Pro-*
12 *vided further*, That these funds are available to subsidize
13 total loan principal, any part of which is to be guaranteed,
14 not to exceed \$84,699,000.

15 ADMINISTRATIVE PROVISIONS

16 The Bureau of Indian Affairs may carry out the oper-
17 ation of Indian programs by direct expenditure, contracts,
18 cooperative agreements, compacts and grants, either di-
19 rectly or in cooperation with States and other organiza-
20 tions.

21 Notwithstanding 25 U.S.C. 15, the Bureau of Indian
22 Affairs may contract for services in support of the man-
23 agement, operation, and maintenance of the Power Divi-
24 sion of the San Carlos Irrigation Project.

25 Appropriations for the Bureau of Indian Affairs (ex-
26 cept the revolving fund for loans, the Indian loan guar-

1 antee and insurance fund, and the Indian Guaranteed
2 Loan Program account) shall be available for expenses of
3 exhibits, and purchase and replacement of passenger
4 motor vehicles.

5 Notwithstanding any other provision of law, no funds
6 available to the Bureau of Indian Affairs for central office
7 operations or pooled overhead general administration (ex-
8 cept facilities operations and maintenance) shall be avail-
9 able for tribal contracts, grants, compacts, or cooperative
10 agreements with the Bureau of Indian Affairs under the
11 provisions of the Indian Self-Determination Act or the
12 Tribal Self-Governance Act of 1994 (Public Law 103–
13 413).

14 In the event any tribe returns appropriations made
15 available by this Act to the Bureau of Indian Affairs for
16 distribution to other tribes, this action shall not diminish
17 the Federal Government’s trust responsibility to that
18 tribe, or the government-to-government relationship be-
19 tween the United States and that tribe, or that tribe’s abil-
20 ity to access future appropriations.

21 Notwithstanding any other provision of law, no funds
22 available to the Bureau, other than the amounts provided
23 herein for assistance to public schools under 25 U.S.C.
24 452 et seq., shall be available to support the operation of
25 any elementary or secondary school in the State of Alaska.

1 Appropriations made available in this or any other
2 Act for schools funded by the Bureau shall be available
3 only to the schools in the Bureau school system as of Sep-
4 tember 1, 1996. No funds available to the Bureau shall
5 be used to support expanded grades for any school or dor-
6 mitory beyond the grade structure in place or approved
7 by the Secretary of the Interior at each school in the Bu-
8 reau school system as of October 1, 1995. Funds made
9 available under this Act may not be used to establish a
10 charter school at a Bureau-funded school (as that term
11 is defined in section 1146 of the Education Amendments
12 of 1978 (25 U.S.C. 2026)), except that a charter school
13 that is in existence on the date of the enactment of this
14 Act and that has operated at a Bureau-funded school be-
15 fore September 1, 1999, may continue to operate during
16 that period, but only if the charter school pays to the Bu-
17 reau a pro rata share of funds to reimburse the Bureau
18 for the use of the real and personal property (including
19 buses and vans), the funds of the charter school are kept
20 separate and apart from Bureau funds, and the Bureau
21 does not assume any obligation for charter school pro-
22 grams of the State in which the school is located if the
23 charter school loses such funding. Employees of Bureau-
24 funded schools sharing a campus with a charter school and
25 performing functions related to the charter school's oper-

1 ation and employees of a charter school shall not be treat-
2 ed as Federal employees for purposes of chapter 171 of
3 title 28, United States Code.

4 DEPARTMENTAL OFFICES

5 INSULAR AFFAIRS

6 ASSISTANCE TO TERRITORIES

7 For expenses necessary for assistance to territories
8 under the jurisdiction of the Department of the Interior,
9 \$74,935,000, of which: (1) \$68,372,000 shall be available
10 until expended for technical assistance, including mainte-
11 nance assistance, disaster assistance, insular management
12 controls, coral reef initiative activities, and brown tree
13 snake control and research; grants to the judiciary in
14 American Samoa for compensation and expenses, as au-
15 thorized by law (48 U.S.C. 1661(c)); grants to the Govern-
16 ment of American Samoa, in addition to current local rev-
17 enues, for construction and support of governmental func-
18 tions; grants to the Government of the Virgin Islands as
19 authorized by law; grants to the Government of Guam,
20 as authorized by law; and grants to the Government of
21 the Northern Mariana Islands as authorized by law (Pub-
22 lic Law 94-241; 90 Stat. 272); and (2) \$6,563,000 shall
23 be available for salaries and expenses of the Office of Insu-
24 lar Affairs: *Provided*, That all financial transactions of the
25 territorial and local governments herein provided for, in-

1 cluding such transactions of all agencies or instrumental-
2 ities established or used by such governments, may be au-
3 dited by the General Accounting Office, at its discretion,
4 in accordance with chapter 35 of title 31, United States
5 Code: *Provided further*, That Northern Mariana Islands
6 Covenant grant funding shall be provided according to
7 those terms of the Agreement of the Special Representa-
8 tives on Future United States Financial Assistance for the
9 Northern Mariana Islands approved by Public Law 104-
10 134: *Provided further*, That of the amounts provided for
11 technical assistance, sufficient funds shall be made avail-
12 able for a grant to the Pacific Basin Development Council:
13 *Provided further*, That of the amounts provided for tech-
14 nical assistance, sufficient funding shall be made available
15 for a grant to the Close Up Foundation: *Provided further*,
16 That the funds for the program of operations and mainte-
17 nance improvement are appropriated to institutionalize
18 routine operations and maintenance improvement of cap-
19 ital infrastructure with territorial participation and cost
20 sharing to be determined by the Secretary based on the
21 grantee's commitment to timely maintenance of its capital
22 assets: *Provided further*, That any appropriation for dis-
23 aster assistance under this heading in this Act or previous
24 appropriations Acts may be used as non-Federal matching
25 funds for the purpose of hazard mitigation grants provided

1 pursuant to section 404 of the Robert T. Stafford Disaster
2 Relief and Emergency Assistance Act (42 U.S.C. 5170c).

3 COMPACT OF FREE ASSOCIATION

4 For grants and necessary expenses, \$5,499,000, as
5 provided for in sections 221(a)(2), 221(b), and 233 of the
6 Compact of Free Association for the Republic of Palau
7 as authorized by Public Law 99–658; Public Law 108–
8 188; and section 221(a)(2) of the Compacts of Free Asso-
9 ciation and their related agreements between the Govern-
10 ment of the United States and the Government of the Re-
11 public of the Marshall Islands as amended.

12 DEPARTMENTAL MANAGEMENT

13 SALARIES AND EXPENSES

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses for management of the De-
16 partment of the Interior, \$93,051,000, of which not to ex-
17 ceed \$8,500 may be for official reception and representa-
18 tion expenses, of which up to \$1,000,000 shall be available
19 for workers compensation payments and unemployment
20 compensation payments associated with the orderly clo-
21 sure of the United States Bureau of Mines, and of which
22 \$13,500,000, to be derived by transfer from unobligated
23 balances in the “Central Hazardous Materials Fund”,
24 shall remain available until expended for a departmental
25 financial and business management system. *Provided,*
26 That none of the funds in this or previous appropriations

1 Acts may be used to establish any additional reserves in
2 the Working Capital Fund account other than the two au-
3 thorized reserves without prior approval of the House and
4 Senate Committees on Appropriations.

5 PAYMENTS IN LIEU OF TAXES

6 For expenses necessary to implement the Act of Octo-
7 ber 20, 1976, as amended (31 U.S.C. 6901-6907),
8 \$226,000,000, of which not to exceed \$400,000 shall be
9 available for administrative expenses: *Provided*, That no
10 payment shall be made to otherwise eligible units of local
11 government if the computed amount of the payment is less
12 than \$100.

13 OFFICE OF THE SOLICITOR

14 SALARIES AND EXPENSES

15 For necessary expenses of the Office of the Solicitor,
16 \$51,356,000.

17 OFFICE OF INSPECTOR GENERAL

18 SALARIES AND EXPENSES

19 For necessary expenses of the Office of Inspector
20 General, \$37,655,000.

21 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

22 FEDERAL TRUST PROGRAMS

23 For the operation of trust programs for Indians by
24 direct expenditure, contracts, cooperative agreements,
25 compacts, and grants, \$196,267,000, to remain available
26 until expended: *Provided*, That of the amounts available

1 under this heading not to exceed \$58,000,000 shall be
2 available for records collection and indexing, imaging and
3 coding, accounting for per capita and judgment accounts,
4 accounting for tribal accounts, reviewing and distributing
5 funds from special deposit accounts, and program man-
6 agement of the Office of Historical Trust Accounting, in-
7 cluding litigation support: *Provided further*, That funds for
8 trust management improvements and litigation support
9 may, as needed, be transferred to or merged with the Bu-
10 reau of Indian Affairs, “Operation of Indian Programs”
11 account; the Office of the Solicitor, “Salaries and Ex-
12 penses” account; and the Departmental Management,
13 “Salaries and Expenses” account: *Provided further*, That
14 funds made available to Tribes and Tribal organizations
15 through contracts or grants obligated during fiscal year
16 2005, as authorized by the Indian Self-Determination Act
17 of 1975 (25 U.S.C. 450 et seq.), shall remain available
18 until expended by the contractor or grantee: *Provided fur-*
19 *ther*, That notwithstanding any other provision of law, the
20 statute of limitations shall not commence to run on any
21 claim, including any claim in litigation pending on the date
22 of the enactment of this Act, concerning losses to or mis-
23 management of trust funds, until the affected tribe or in-
24 dividual Indian has been furnished with an accounting of
25 such funds from which the beneficiary can determine

1 whether there has been a loss: *Provided further*, That not-
2 withstanding any other provision of law, the Secretary
3 shall not be required to provide a quarterly statement of
4 performance for any Indian trust account that has not had
5 activity for at least 18 months and has a balance of \$1.00
6 or less: *Provided further*, That the Secretary shall issue
7 an annual account statement and maintain a record of any
8 such accounts and shall permit the balance in each such
9 account to be withdrawn upon the express written request
10 of the account holder: *Provided further*, That not to exceed
11 \$50,000 is available for the Secretary to make payments
12 to correct administrative errors of either disbursements
13 from or deposits to Individual Indian Money or Tribal ac-
14 counts after September 30, 2002: *Provided further*, That
15 erroneous payments that are recovered shall be credited
16 to and remain available in this account for this purpose.

17 INDIAN LAND CONSOLIDATION

18 For consolidation of fractional interests in Indian
19 lands and expenses associated with redetermining and re-
20 distributing escheated interests in allotted lands, and for
21 necessary expenses to carry out the Indian Land Consoli-
22 dation Act of 1983, as amended, by direct expenditure or
23 cooperative agreement, \$42,000,000, to remain available
24 until expended: *Provided*, That funds provided under this
25 heading may be expended pursuant to the authorities con-
26 tained in the provisos under the heading “Office of Special

1 Trustee for American Indians, Indian Land Consolida-
2 tion” of the Interior and Related Agencies Appropriations
3 Act, 2001 (Public Law 106–291).

4 NATURAL RESOURCES DAMAGE ASSESSMENT AND
5 RESTORATION

6 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

7 To conduct natural resource damage assessment and
8 restoration activities by the Department of the Interior
9 necessary to carry out the provisions of the Comprehensive
10 Environmental Response, Compensation, and Liability
11 Act, as amended (42 U.S.C. 9601 et seq.), Federal Water
12 Pollution Control Act, as amended (33 U.S.C. 1251 et
13 seq.), the Oil Pollution Act of 1990 (Public Law 101–380)
14 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as
15 amended (16 U.S.C. 19jj et seq.), \$5,818,000, to remain
16 available until expended.

17 ADMINISTRATIVE PROVISIONS

18 There is hereby authorized for acquisition from avail-
19 able resources within the Working Capital Fund, 15 air-
20 craft, 10 of which shall be for replacement and which may
21 be obtained by donation, purchase or through available ex-
22 cess surplus property: *Provided*, That existing aircraft
23 being replaced may be sold, with proceeds derived or
24 trade-in value used to offset the purchase price for the
25 replacement aircraft: *Provided further*, That no programs
26 funded with appropriated funds in the “Departmental

1 Management”, “Office of the Solicitor”, and “Office of In-
2 spector General” may be augmented through the Working
3 Capital Fund: *Provided further*, That the annual budget
4 justification for Departmental Management shall describe
5 estimated Working Capital Fund charges to bureaus and
6 offices, including the methodology on which charges are
7 based: *Provided further*, That departures from the Work-
8 ing Capital Fund estimates contained in the Departmental
9 Management budget justification shall be presented to the
10 Committees on Appropriations for approval: *Provided fur-*
11 *ther*, That the Secretary shall provide a semi-annual re-
12 port to the Committees on Appropriations on reimbursable
13 support agreements between the Office of the Secretary
14 and the National Business Center and the bureaus and
15 offices of the Department, including the amounts billed
16 pursuant to such agreements.

17 GENERAL PROVISIONS, DEPARTMENT OF THE
18 INTERIOR

19 SEC. 101. Appropriations made in this title shall be
20 available for expenditure or transfer (within each bureau
21 or office), with the approval of the Secretary, for the emer-
22 gency reconstruction, replacement, or repair of aircraft,
23 buildings, utilities, or other facilities or equipment dam-
24 aged or destroyed by fire, flood, storm, or other unavoid-
25 able causes: *Provided*, That no funds shall be made avail-

1 able under this authority until funds specifically made
2 available to the Department of the Interior for emer-
3 gencies shall have been exhausted: *Provided further*, That
4 all funds used pursuant to this section are hereby des-
5 ignated by Congress to be “emergency requirements” pur-
6 suant to H. Res. 649 and section 402 of S. Con. Res.
7 95, the concurrent resolution on the budget for fiscal year
8 2005, and must be replenished by a supplemental appro-
9 priation which must be requested as promptly as possible.

10 SEC. 102. The Secretary may authorize the expendi-
11 ture or transfer of any no year appropriation in this title,
12 in addition to the amounts included in the budget pro-
13 grams of the several agencies, for the suppression or emer-
14 gency prevention of wildland fires on or threatening lands
15 under the jurisdiction of the Department of the Interior;
16 for the emergency rehabilitation of burned-over lands
17 under its jurisdiction; for emergency actions related to po-
18 tential or actual earthquakes, floods, volcanoes, storms, or
19 other unavoidable causes; for contingency planning subse-
20 quent to actual oil spills; for response and natural resource
21 damage assessment activities related to actual oil spills;
22 for the prevention, suppression, and control of actual or
23 potential grasshopper and Mormon cricket outbreaks on
24 lands under the jurisdiction of the Secretary, pursuant to
25 the authority in section 1773(b) of Public Law 99–198

1 (99 Stat. 1658); for emergency reclamation projects under
2 section 410 of Public Law 95–87; and shall transfer, from
3 any no year funds available to the Office of Surface Min-
4 ing Reclamation and Enforcement, such funds as may be
5 necessary to permit assumption of regulatory authority in
6 the event a primacy State is not carrying out the regu-
7 latory provisions of the Surface Mining Act: *Provided*,
8 That appropriations made in this title for wildland fire
9 operations shall be available for the payment of obligations
10 incurred during the preceding fiscal year, and for reim-
11 bursement to other Federal agencies for destruction of ve-
12 hicles, aircraft, or other equipment in connection with
13 their use for wildland fire operations, such reimbursement
14 to be credited to appropriations currently available at the
15 time of receipt thereof: *Provided further*, That for wildland
16 fire operations, no funds shall be made available under
17 this authority until the Secretary determines that funds
18 appropriated for “wildland fire operations” shall be ex-
19 hausted within 30 days: *Provided further*, That all funds
20 used pursuant to this section are hereby designated by
21 Congress to be “emergency requirements” pursuant to
22 section 402 of S. Con. Res. 95 (108th Congress), as made
23 applicable to the House of Representatives by H. Res. 649
24 (108th Congress), the concurrent resolution on the budget
25 for fiscal year 2005, and must be replenished by a supple-

1 mental appropriation which must be requested as prompt-
2 ly as possible: *Provided further*, That such replenishment
3 funds shall be used to reimburse, on a pro rata basis, ac-
4 counts from which emergency funds were transferred.

5 SEC. 103. Appropriations made to the Department
6 of the Interior shall hereafter be available for operation
7 of warehouses, garages, shops, and similar facilities, wher-
8 ever consolidation of activities will contribute to efficiency
9 or economy, and said appropriations shall be reimbursed
10 for services rendered to any other activity in the same
11 manner as authorized by sections 1535 and 1536 of title
12 31, United States Code: *Provided*, That reimbursements
13 for costs and supplies, materials, equipment, and for serv-
14 ices rendered may be credited to the appropriation current
15 at the time such reimbursements are received.

16 SEC. 104. Appropriations made to the Department
17 of the Interior in this title shall be available for services
18 as authorized by 5 U.S.C. 3109, when authorized by the
19 Secretary, in total amount not to exceed \$500,000; hire,
20 maintenance, and operation of aircraft; hire of passenger
21 motor vehicles; purchase of reprints; payment for tele-
22 phone service in private residences in the field, when au-
23 thorized under regulations approved by the Secretary; and
24 the payment of dues, when authorized by the Secretary,
25 for library membership in societies or associations which

1 issue publications to members only or at a price to mem-
2 bers lower than to subscribers who are not members.

3 SEC. 105. Appropriations available to the Depart-
4 ment of the Interior for salaries and expenses shall here-
5 after be available for uniforms or allowances therefor, as
6 authorized by law (5 U.S.C. 5901–5902 and D.C. Code
7 4–204).

8 SEC. 106. Annual appropriations made to the De-
9 partment of the Interior shall hereafter be available for
10 obligation in connection with contracts issued for services
11 or rentals for periods not in excess of 12 months beginning
12 at any time during the fiscal year.

13 SEC. 107. No funds provided in this title may be ex-
14 pended by the Department of the Interior for the conduct
15 of offshore preleasing, leasing and related activities placed
16 under restriction in the President’s moratorium statement
17 of June 12, 1998, in the areas of northern, central, and
18 southern California; the North Atlantic; Washington and
19 Oregon; and the eastern Gulf of Mexico south of 26 de-
20 grees north latitude and east of 86 degrees west longitude.

21 SEC. 108. No funds provided in this title may be ex-
22 pended by the Department of the Interior to conduct off-
23 shore oil and natural gas preleasing, leasing and related
24 activities in the eastern Gulf of Mexico planning area for
25 any lands located outside Sale 181, as identified in the

1 final Outer Continental Shelf 5-Year Oil and Gas Leasing
2 Program, 1997–2002.

3 SEC. 109. No funds provided in this title may be ex-
4 pended by the Department of the Interior to conduct oil
5 and natural gas preleasing, leasing and related activities
6 in the Mid-Atlantic and South Atlantic planning areas.

7 SEC. 110. Notwithstanding any other provisions of
8 law, the National Park Service shall not develop or imple-
9 ment a reduced entrance fee program to accommodate
10 non-local travel through a unit. The Secretary may provide
11 for and regulate local non-recreational passage through
12 units of the National Park System, allowing each unit to
13 develop guidelines and permits for such activity appro-
14 priate to that unit.

15 SEC. 111. Advance payments made to the Depart-
16 ment of the Interior to Indian tribes, tribal organizations,
17 and tribal consortia pursuant to the Indian Self-Deter-
18 mination and Education Assistance Act (25 U.S.C. 450
19 et seq.) or the Tribally Controlled Schools Act of 1988
20 (25 U.S.C. 2501 et seq.) may hereafter be invested by the
21 Indian tribe, tribal organization, or consortium before
22 such funds are expended for the purposes of the grant,
23 compact, or annual funding agreement so long as such
24 funds are—

1 (1) invested by the Indian tribe, tribal organiza-
2 tion, or consortium only in obligations of the United
3 States, or in obligations or securities that are guar-
4 anteed or insured by the United States, or mutual
5 (or other) funds registered with the Securities and
6 Exchange Commission and which only invest in obli-
7 gations of the United States or securities that are
8 guaranteed or insured by the United States; or

9 (2) deposited only into accounts that are in-
10 sured by an agency or instrumentality of the United
11 States, or are fully collateralized to ensure protec-
12 tion of the funds, even in the event of a bank failure.

13 SEC. 112. Appropriations made in this Act under the
14 headings Bureau of Indian Affairs and Office of Special
15 Trustee for American Indians and any unobligated bal-
16 ances from prior appropriations Acts made under the
17 same headings shall be available for expenditure or trans-
18 fer for Indian trust management and reform activities, ex-
19 cept that total funding for historical accounting activities
20 shall not exceed amounts specifically designated in this
21 Act for such purpose.

22 SEC. 113. Notwithstanding any other provision of
23 law, for the purpose of reducing the backlog of Indian pro-
24 bate cases in the Department of the Interior, the hearing
25 requirements of chapter 10 of title 25, United States

1 Code, are deemed satisfied by a proceeding conducted by
2 an Indian probate judge, appointed by the Secretary with-
3 out regard to the provisions of title 5, United States Code,
4 governing the appointments in the competitive service, for
5 such period of time as the Secretary determines necessary:
6 *Provided*, That the basic pay of an Indian probate judge
7 so appointed may be fixed by the Secretary without regard
8 to the provisions of chapter 51, and subchapter III of
9 chapter 53 of title 5, United States Code, governing the
10 classification and pay of General Schedule employees, ex-
11 cept that no such Indian probate judge may be paid at
12 a level which exceeds the maximum rate payable for the
13 highest grade of the General Schedule, including locality
14 pay.

15 SEC. 114. Notwithstanding any other provision of
16 law, the Secretary of the Interior is authorized to redis-
17 tribute any Tribal Priority Allocation funds, including
18 tribal base funds, to alleviate tribal funding inequities by
19 transferring funds to address identified, unmet needs,
20 dual enrollment, overlapping service areas or inaccurate
21 distribution methodologies. No tribe shall receive a reduc-
22 tion in Tribal Priority Allocation funds of more than 10
23 percent in fiscal year 2005. Under circumstances of dual
24 enrollment, overlapping service areas or inaccurate dis-

1 tribution methodologies, the 10 percent limitation does not
2 apply.

3 SEC. 115. Funds appropriated for the Bureau of In-
4 dian Affairs for postsecondary schools for fiscal year 2005
5 shall be allocated among the schools proportionate to the
6 unmet need of the schools as determined by the Postsec-
7 ondary Funding Formula adopted by the Office of Indian
8 Education Programs.

9 SEC. 116. (a) The Secretary of the Interior shall take
10 such action as may be necessary to ensure that the lands
11 comprising the Huron Cemetery in Kansas City, Kansas
12 (as described in section 123 of Public Law 106–291) are
13 used only in accordance with this section.

14 (b) The lands of the Huron Cemetery shall be used
15 only: (1) for religious and cultural uses that are compat-
16 ible with the use of the lands as a cemetery; and (2) as
17 a burial ground.

18 SEC. 117. Notwithstanding any other provision of
19 law, in conveying the Twin Cities Research Center under
20 the authority provided by Public Law 104–134, as amend-
21 ed by Public Law 104–208, the Secretary may accept and
22 retain land and other forms of reimbursement: *Provided*,
23 That the Secretary may retain and use any such reim-
24 bursement until expended and without further appropria-
25 tion: (1) for the benefit of the National Wildlife Refuge

1 System within the State of Minnesota; and (2) for all ac-
2 tivities authorized by Public Law 100-696; 16 U.S.C.
3 460zz.

4 SEC. 118. Notwithstanding other provisions of law,
5 the National Park Service hereafter may authorize,
6 through cooperative agreement, the Golden Gate National
7 Parks Association to provide fee-based education, inter-
8 pretive and visitor service functions within the Crissy
9 Field and Fort Point areas of the Presidio.

10 SEC. 119. Notwithstanding 31 U.S.C. 3302(b), sums
11 received by the Bureau of Land Management for the sale
12 of seeds or seedlings, may hereafter be credited to the ap-
13 propriation from which funds were expended to acquire
14 or grow the seeds or seedlings and are available without
15 fiscal year limitation.

16 SEC. 120. The Secretary of the Interior may use or
17 contract for the use of helicopters or motor vehicles on
18 the Sheldon and Hart National Wildlife Refuges for the
19 purpose of capturing and transporting horses and burros.
20 The provisions of subsection (a) of the Act of September
21 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such
22 use. Such use shall be in accordance with humane proce-
23 dures prescribed by the Secretary.

24 SEC. 121. Funds provided in this Act for Federal
25 land acquisition by the National Park Service for Shen-

1 andoah Valley Battlefields National Historic District, New
2 Jersey Pinelands Preserve, and Ice Age National Scenic
3 Trail may be used for a grant to a State, a local govern-
4 ment, or any other governmental land management entity
5 for the acquisition of lands without regard to any restric-
6 tion on the use of Federal land acquisition funds provided
7 through the Land and Water Conservation Fund Act of
8 1965 as amended.

9 SEC. 122. None of the funds made available by this
10 Act may be obligated or expended by the National Park
11 Service to enter into or implement a concession contract
12 which permits or requires the removal of the underground
13 lunchroom at the Carlsbad Caverns National Park.

14 SEC. 123. None of the funds made available in this
15 Act may be used: (1) to demolish the bridge between Jer-
16 sey City, New Jersey, and Ellis Island; or (2) to prevent
17 pedestrian use of such bridge, when such pedestrian use
18 is consistent with generally accepted safety standards.

19 SEC. 124. None of the funds made available in this
20 or any other Act for any fiscal year may be used to des-
21 ignate, or to post any sign designating, any portion of Ca-
22 naval National Seashore in Brevard County, Florida, as
23 a clothing-optional area or as an area in which public nu-
24 dity is permitted, if such designation would be contrary
25 to county ordinance.

1 SEC. 125. None of the funds in this or any other Act
2 can be used to compensate the Special Master and the
3 Special Master-Monitor, and all variations thereto, ap-
4 pointed by the United States District Court for the Dis-
5 trict of Columbia in the Cobell v. Norton litigation at an
6 annual rate that exceeds 200 percent of the highest Senior
7 Executive Service rate of pay for the Washington-Balti-
8 more locality pay area.

9 SEC. 126. The Secretary of the Interior may use dis-
10 cretionary funds to pay private attorneys fees and costs
11 for employees and former employees of the Department
12 of the Interior reasonably incurred in connection with
13 Cobell v. Norton to the extent that such fees and costs
14 are not paid by the Department of Justice or by private
15 insurance. In no case shall the Secretary make payments
16 under this section that would result in payment of hourly
17 fees in excess of the highest hourly rate approved by the
18 District Court for the District of Columbia for counsel in
19 Cobell v. Norton.

20 SEC. 127. The United States Fish and Wildlife Serv-
21 ice shall, in carrying out its responsibilities to protect
22 threatened and endangered species of salmon, implement
23 a system of mass marking of salmonid stocks, intended
24 for harvest, that are released from Federally operated or
25 Federally financed hatcheries including but not limited to

1 fish releases of coho, chinook, and steelhead species.
2 Marked fish must have a visible mark that can be readily
3 identified by commercial and recreational fishers.

4 SEC. 128. Such sums as may be necessary from “De-
5 partmental Management, Salaries and Expenses”, shall be
6 transferred to “United States Fish and Wildlife Service,
7 Resource Management” for operational needs at the Mid-
8 way Atoll National Wildlife Refuge airport.

9 SEC. 129. (a) IN GENERAL.—Nothing in section 134
10 of the Department of the Interior and Related Agencies
11 Appropriations Act, 2002 (115 Stat. 443) affects the deci-
12 sion of the United States Court of Appeals for the 10th
13 Circuit in *Sac and Fox Nation v. Norton*, 240 F.3d 1250
14 (2001).

15 (b) USE OF CERTAIN INDIAN LAND.—Nothing in this
16 section permits the conduct of gaming under the Indian
17 Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land
18 described in section 123 of the Department of the Interior
19 and Related Agencies Appropriations Act, 2001 (114 Stat.
20 944), or land that is contiguous to that land, regardless
21 of whether the land or contiguous land has been taken
22 into trust by the Secretary of the Interior.

23 SEC. 130. No funds appropriated for the Department
24 of the Interior by this Act or any other Act shall be used
25 to study or implement any plan to drain Lake Powell or

1 to reduce the water level of the lake below the range of
2 water levels required for the operation of the Glen Canyon
3 Dam.

4 SEC. 131. Notwithstanding the limitation in subpara-
5 graph (2)(B) of section 18(a) of the Indian Gaming Regu-
6 latory Act (25 U.S.C. 2717(a)), the total amount of all
7 fees imposed by the National Indian Gaming Commission
8 for fiscal year 2006 shall not exceed \$12,000,000.

9 SEC. 132. Notwithstanding any implementation of
10 the Department of the Interior's trust reorganization plan
11 within fiscal years 2004 or 2005, funds appropriated for
12 fiscal year 2005 shall be available to the tribes within the
13 California Tribal Trust Reform Consortium and to the
14 Salt River Pima Maricopa Indian Community, the Confed-
15 erated Salish-Kootenai Tribes of the Flathead Reservation
16 and the Chippewa Cree Tribe of the Rocky Boys Reserva-
17 tion on the same basis as funds were distributed in fiscal
18 year 2004. This Demonstration Project shall operate sepa-
19 rate and apart from the Department of the Interior's trust
20 reform reorganization, and the Department shall not im-
21 pose its trust management infrastructure upon or alter the
22 existing trust resource management systems of the above
23 referenced tribes having a self-governance compact and
24 operating in accordance with the Tribal Self-Governance
25 Program set forth in 25 U.S.C. Sections 458aa–458hh:

1 *Provided*, That the California Trust Reform Consortium
2 and any other participating tribe agree to carry out their
3 responsibilities under the same fiduciary standards as
4 those to which the Secretary of the Interior is held: *Pro-*
5 *vided further*, That they demonstrate, and continue to
6 demonstrate, to the satisfaction of the Secretary that they
7 have the capability to do so.

8 SEC. 133. None of the funds appropriated or other-
9 wise made available by this or any other Act, hereafter
10 enacted, may be used to permit the use of the National
11 Mall for a special event, unless the permit expressly pro-
12 hibits the erection, placement, or use of structures and
13 signs bearing commercial advertising. The Secretary may
14 allow for recognition of sponsors of special events: *Pro-*
15 *vided*, That the size and form of the recognition shall be
16 consistent with the special nature and sanctity of the Mall
17 and any lettering or design identifying the sponsor shall
18 be no larger than one-third the size of the lettering or de-
19 sign identifying the special event. In approving special
20 events, the Secretary shall ensure, to the maximum extent
21 practicable, that public use of, and access to the Mall is
22 not restricted. For purposes of this section, the term “spe-
23 cial event” shall have the meaning given to it by section
24 7.96(g)(1)(ii) of title 36, Code of Federal Regulations.

1 TITLE II—RELATED AGENCIES
2 DEPARTMENT OF AGRICULTURE
3 FOREST SERVICE
4 FOREST AND RANGELAND RESEARCH

5 For necessary expenses of forest and rangeland re-
6 search as authorized by law, \$280,654,000, to remain
7 available until expended: *Provided*, That of the funds pro-
8 vided, \$52,714,000 is for the forest inventory and analysis
9 program.

10 STATE AND PRIVATE FORESTRY

11 For necessary expenses of cooperating with and pro-
12 viding technical and financial assistance to States, terri-
13 tories, possessions, and others, and for forest health man-
14 agement, including treatments of pests, pathogens, and
15 invasive or noxious plants and for restoring and rehabili-
16 tating forests damaged by pests or invasive plants, cooper-
17 ative forestry, and education and land conservation activi-
18 ties and conducting an international program as author-
19 ized, \$282,446,000, to remain available until expended, as
20 authorized by law of which \$43,119,000 is to be derived
21 from the Land and Water Conservation Fund: *Provided*,
22 That none of the funds provided under this heading for
23 the acquisition of lands or interests in lands shall be avail-
24 able until the Forest Service notifies the House Committee
25 on Appropriations and the Senate Committee on Appro-

1 priations, in writing, of specific contractual and grant de-
2 tails including the non-Federal cost share.

3 NATIONAL FOREST SYSTEM

4 For necessary expenses of the Forest Service, not
5 otherwise provided for, for management, protection, im-
6 provement, and utilization of the National Forest System,
7 \$1,399,599,000, to remain available until expended, which
8 shall include 50 percent of all moneys received during
9 prior fiscal years as fees collected under the Land and
10 Water Conservation Fund Act of 1965, as amended, in
11 accordance with section 4 of the Act (16 U.S.C. 4601–
12 6a(i)): *Provided*, That unobligated balances under this
13 heading available at the start of fiscal year 2005 shall be
14 displayed by budget line item in the fiscal year 2006 budg-
15 et justification: *Provided further*, That, through fiscal year
16 2009, the Secretary may authorize the expenditure or
17 transfer of such sums as necessary to the Department of
18 the Interior, Bureau of Land Management, for removal,
19 preparation, and adoption of excess wild horses and burros
20 from National Forest System lands, and for the perform-
21 ance of cadastral surveys to designate the boundaries of
22 such lands.

23 WILDLAND FIRE MANAGEMENT

24 For necessary expenses for forest fire presuppression
25 activities on National Forest System lands, for emergency

1 fire suppression on or adjacent to such lands or other
2 lands under fire protection agreement, hazardous fuels re-
3 duction on or adjacent to such lands, and for emergency
4 rehabilitation of burned-over National Forest System
5 lands and water, \$1,734,865,000, to remain available until
6 expended: *Provided*, That such funds including unobli-
7 gated balances under this heading, are available for repay-
8 ment of advances from other appropriations accounts pre-
9 viously transferred for such purposes: *Provided further*,
10 That such funds shall be available to reimburse State and
11 other cooperating entities for services provided in response
12 to wildfire and other emergencies or disasters to the extent
13 such reimbursements by the Forest Service for non-fire
14 emergencies are fully repaid by the responsible emergency
15 management agency: *Provided further*, That not less than
16 50 percent of any unobligated balances remaining (exclu-
17 sive of amounts for hazardous fuels reduction) at the end
18 of fiscal year 2004 shall be transferred, as repayment for
19 past advances that have not been repaid, to the fund es-
20 tablished pursuant to section 3 of Public Law 71-319 (16
21 U.S.C. 576 et seq.): *Provided further*, That notwith-
22 standing any other provision of law, \$8,000,000 of funds
23 appropriated under this appropriation shall be used for
24 Fire Science Research in support of the Joint Fire Science
25 Program: *Provided further*, That all authorities for the use

1 of funds, including the use of contracts, grants, and coop-
2 erative agreements, available to execute the Forest and
3 Rangeland Research appropriation, are also available in
4 the utilization of these funds for Fire Science Research:
5 *Provided further*, That funds provided shall be available
6 for emergency rehabilitation and restoration, hazardous
7 fuels reduction activities in the urban-wildland interface,
8 support to Federal emergency response, and wildfire sup-
9 pression activities of the Forest Service: *Provided further*,
10 That of the funds provided, \$266,238,000 is for hazardous
11 fuels reduction activities, \$13,000,000 is for rehabilitation
12 and restoration, \$23,000,000 is for research activities and
13 to make competitive research grants pursuant to the For-
14 est and Rangeland Renewable Resources Research Act, as
15 amended (16 U.S.C. 1641 et seq.), \$40,000,000 is for
16 State fire assistance, \$8,000,000 is for volunteer fire as-
17 sistance, \$15,000,000 is for forest health activities on
18 Federal lands and \$10,000,000 is for forest health activi-
19 ties on State and private lands: *Provided further*, That
20 amounts in this paragraph may be transferred to the
21 “State and Private Forestry”, “National Forest System”,
22 and “Forest and Rangeland Research” accounts to fund
23 State fire assistance, volunteer fire assistance, forest
24 health management, forest and rangeland research, vege-
25 tation and watershed management, heritage site rehabili-

1 tation, and wildlife and fish habitat management and res-
2 toration: *Provided further*, That transfers of any amounts
3 in excess of those authorized in this paragraph, shall re-
4 quire approval of the House and Senate Committees on
5 Appropriations in compliance with reprogramming proce-
6 dures contained in House Report 108–330: *Provided fur-*
7 *ther*, That the costs of implementing any cooperative
8 agreement between the Federal Government and any non-
9 Federal entity may be shared, as mutually agreed on by
10 the affected parties: *Provided further*, That in addition to
11 funds provided for State Fire Assistance programs, and
12 subject to all authorities available to the Forest Service
13 under the State and Private Forestry Appropriations, up
14 to \$15,000,000 may be used on adjacent non-Federal
15 lands for the purpose of protecting communities when haz-
16 ard reduction activities are planned on national forest
17 lands that have the potential to place such communities
18 at risk: *Provided further*, That included in funding for haz-
19 ardous fuel reduction is \$5,000,000 for implementing the
20 Community Forest Restoration Act, Public Law 106–393,
21 title VI, and any portion of such funds shall be available
22 for use on non-Federal lands in accordance with authori-
23 ties available to the Forest Service under the State and
24 Private Forestry Appropriation: *Provided further*, That in
25 using the funds provided in this Act for hazardous fuels

1 reduction activities, the Secretary of Agriculture may con-
2 duct fuel reduction treatments on Federal lands using all
3 contracting and hiring authorities available to the Sec-
4 retary applicable to hazardous fuel reduction activities
5 under the wildland fire management accounts: *Provided*
6 *further*, That notwithstanding Federal Government pro-
7 curement and contracting laws, the Secretaries may con-
8 duct fuel reduction treatments, rehabilitation and restora-
9 tion, and other activities authorized under this heading on
10 and adjacent to Federal lands using grants and coopera-
11 tive agreements: *Provided further*, That notwithstanding
12 Federal Government procurement and contracting laws, in
13 order to provide employment and training opportunities
14 to people in rural communities, the Secretaries may award
15 contracts, including contracts for monitoring activities, to
16 local private, non-profit, or cooperative entities; Youth
17 Conservation Corps crews or related partnerships, with
18 State, local and non-profit youth groups; small or micro-
19 businesses; or other entities that will hire or train a sig-
20 nificant percentage of local people to complete such con-
21 tracts: *Provided further*, That the authorities described
22 above relating to contracts, grants, and cooperative agree-
23 ments are available until all funds provided in this title
24 for hazardous fuels reduction activities in the urban
25 wildland interface are obligated: *Provided further*, That

1 the Secretary of the Interior and the Secretary of Agri-
2 culture may authorize the transfer of funds appropriated
3 for wildland fire management, in an aggregate amount not
4 to exceed \$12,000,000, between the Departments when
5 such transfers would facilitate and expedite jointly funded
6 wildland fire management programs and projects.

7 CAPITAL IMPROVEMENT AND MAINTENANCE

8 For necessary expenses of the Forest Service, not
9 otherwise provided for, \$522,940,000, to remain available
10 until expended for construction, reconstruction, mainte-
11 nance and acquisition of buildings and other facilities, and
12 for construction, reconstruction, repair, decommissioning,
13 and maintenance of forest roads and trails by the Forest
14 Service as authorized by 16 U.S.C. 532–538 and 23
15 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000
16 of the funds provided herein for road maintenance shall
17 be available for the decommissioning of roads, including
18 unauthorized roads not part of the transportation system,
19 which are no longer needed: *Provided further*, That no
20 funds shall be expended to decommission any system road
21 until notice and an opportunity for public comment has
22 been provided on each decommissioning project.

23 LAND ACQUISITION

24 For expenses necessary to carry out the provisions
25 of the Land and Water Conservation Fund Act of 1965,

1 as amended (16 U.S.C. 4601–4 through 11), including ad-
2 ministrative expenses, and for acquisition of land or wa-
3 ters, or interest therein, in accordance with statutory au-
4 thority applicable to the Forest Service, \$15,500,000, to
5 be derived from the Land and Water Conservation Fund
6 and to remain available until expended.

7 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
8 ACTS

9 For acquisition of lands within the exterior bound-
10 aries of the Cache, Uinta, and Wasatch National Forests,
11 Utah; the Toiyabe National Forest, Nevada; and the An-
12 geles, San Bernardino, Sequoia, and Cleveland National
13 Forests, California, as authorized by law, \$1,069,000, to
14 be derived from forest receipts.

15 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

16 For acquisition of lands, such sums, to be derived
17 from funds deposited by State, county, or municipal gov-
18 ernments, public school districts, or other public school au-
19 thorities, and for authorized expenditures from funds de-
20 posited by non-Federal parties pursuant to Land Sale and
21 Exchange Acts, pursuant to the Act of December 4, 1967,
22 as amended (16 U.S.C. 484a), to remain available until
23 expended.

1 RANGE BETTERMENT FUND

2 For necessary expenses of range rehabilitation, pro-
3 tection, and improvement, 50 percent of all moneys re-
4 ceived during the prior fiscal year, as fees for grazing do-
5 mestic livestock on lands in National Forests in the 16
6 Western States, pursuant to section 401(b)(1) of Public
7 Law 94–579, as amended, to remain available until ex-
8 pended, of which not to exceed 6 percent shall be available
9 for administrative expenses associated with on-the-ground
10 range rehabilitation, protection, and improvements.

11 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
12 RANGELAND RESEARCH

13 For expenses authorized by 16 U.S.C. 1643(b),
14 \$65,000, to remain available until expended, to be derived
15 from the fund established pursuant to the above Act.

16 MANAGEMENT OF NATIONAL FOREST LANDS FOR
17 SUBSISTENCE USES

18 For necessary expenses of the Forest Service to man-
19 age Federal lands in Alaska for subsistence uses under
20 title VIII of the Alaska National Interest Lands Conserva-
21 tion Act (Public Law 96–487), \$5,962,000 available until
22 expended.

23 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

24 Appropriations to the Forest Service for the current
25 fiscal year shall be available for: (1) purchase of not to
26 exceed 124 passenger motor vehicles of which 21 will be

1 used primarily for law enforcement purposes and of which
2 124 shall be for replacement; acquisition of 25 passenger
3 motor vehicles from excess sources, and hire of such vehi-
4 cles; purchase, operation, maintenance, and acquisition of
5 aircraft from excess sources to maintain the operable fleet
6 at 195 aircraft for use in Forest Service wildland fire pro-
7 grams and other Forest Service programs; notwith-
8 standing other provisions of law, existing aircraft being
9 replaced may be sold, with proceeds derived or trade-in
10 value used to offset the purchase price for the replacement
11 aircraft; (2) services pursuant to 7 U.S.C. 2225, and not
12 to exceed \$100,000 for employment under 5 U.S.C. 3109;
13 (3) purchase, erection, and alteration of buildings and
14 other public improvements (7 U.S.C. 2250); (4) acquisi-
15 tion of land, waters, and interests therein pursuant to 7
16 U.S.C. 428a; (5) for expenses pursuant to the Volunteers
17 in the National Forest Act of 1972 (16 U.S.C. 558a,
18 558d, and 558a note); (6) the cost of uniforms as author-
19 ized by 5 U.S.C. 5901–5902; and (7) for debt collection
20 contracts in accordance with 31 U.S.C. 3718(e).

21 Any appropriations or funds available to the Forest
22 Service may be transferred to the Wildland Fire Manage-
23 ment appropriation for forest firefighting, emergency re-
24 habilitation of burned-over or damaged lands or waters
25 under its jurisdiction, and fire preparedness due to severe

1 burning conditions upon notification of the House and
2 Senate Committees on Appropriations and if and only if
3 all previously appropriated emergency contingent funds
4 under the heading “Wildland Fire Management” have
5 been released by the President and apportioned and all
6 wildfire suppression funds under the heading “Wildland
7 Fire Management” are obligated.

8 The first transfer of funds into the Wildland Fire
9 Management account shall include unobligated funds, if
10 available, from the Land Acquisition account and the For-
11 est Legacy program within the State and Private Forestry
12 account.

13 Funds appropriated to the Forest Service shall be
14 available for assistance to or through the Agency for Inter-
15 national Development and the Foreign Agricultural Serv-
16 ice in connection with forest and rangeland research, tech-
17 nical information, and assistance in foreign countries, and
18 shall be available to support forestry and related natural
19 resource activities outside the United States and its terri-
20 tories and possessions, including technical assistance, edu-
21 cation and training, and cooperation with United States
22 and international organizations.

23 None of the funds made available to the Forest Serv-
24 ice under this Act shall be subject to transfer under the
25 provisions of section 702(b) of the Department of Agri-

1 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
2 147b.

3 None of the funds appropriated or otherwise made
4 available by this Act shall be used to pay the salaries and
5 expenses of personnel to carry out section 8002 of the
6 Farm Security and Rural Investment Act of 2002. Not
7 less than \$40,000,000 of funds under such section is here-
8 by cancelled.

9 None of the funds available to the Forest Service may
10 be reprogrammed without the advance approval of the
11 House and Senate Committees on Appropriations in ac-
12 cordance with the reprogramming procedures contained in
13 House Report 108–330.

14 Not more than \$72,467,000 of the funds available to
15 the Forest Service shall be transferred to the Working
16 Capital Fund of the Department of Agriculture.

17 Funds available to the Forest Service shall be avail-
18 able to conduct a program of not less than \$2,000,000
19 for high priority projects within the scope of the approved
20 budget which shall be carried out by the Youth Conserva-
21 tion Corps.

22 Of the funds available to the Forest Service, \$2,500
23 is available to the Chief of the Forest Service for official
24 reception and representation expenses.

1 Pursuant to sections 405(b) and 410(b) of Public
2 Law 101–593, of the funds available to the Forest Service,
3 \$3,300,000 may be advanced in a lump sum to the Na-
4 tional Forest Foundation to aid conservation partnership
5 projects in support of the Forest Service mission, without
6 regard to when the Foundation incurs expenses, for ad-
7 ministrative expenses or projects on or benefitting Na-
8 tional Forest System lands or related to Forest Service
9 programs: *Provided*, That of the Federal funds made
10 available to the Foundation, \$300,000 may be used for
11 Forest Service Centennial activities and, of the total avail-
12 able to the Foundation, no more than \$350,000 shall be
13 available for administrative expenses: *Provided further*,
14 That the Foundation shall obtain, by the end of the period
15 of Federal financial assistance, private contributions to
16 match on at least one-for-one basis funds made available
17 by the Forest Service: *Provided further*, That the Founda-
18 tion may transfer Federal funds to a non-Federal recipient
19 for a project at the same rate that the recipient has ob-
20 tained the non-Federal matching funds: *Provided further*,
21 That authorized investments of Federal funds held by the
22 Foundation may be made only in interest-bearing obliga-
23 tions of the United States or in obligations guaranteed as
24 to both principal and interest by the United States.

1 Pursuant to section 2(b)(2) of Public Law 98–244,
2 \$2,650,000 of the funds available to the Forest Service
3 shall be available for matching funds to the National Fish
4 and Wildlife Foundation, as authorized by 16 U.S.C.
5 3701–3709, and may be advanced in a lump sum to aid
6 conservation partnership projects in support of the Forest
7 Service mission, without regard to when expenses are in-
8 curred, for projects on or benefitting National Forest Sys-
9 tem lands or related to Forest Service programs: *Provided*,
10 That the Foundation shall obtain, by the end of the period
11 of Federal financial assistance, private contributions to
12 match on at least one-for-one basis funds advanced by the
13 Forest Service: *Provided further*, That the Foundation
14 may transfer Federal funds to a non-Federal recipient for
15 a project at the same rate that the recipient has obtained
16 the non-Federal matching funds.

17 Funds appropriated to the Forest Service shall be
18 available for interactions with and providing technical as-
19 sistance to rural communities for sustainable rural devel-
20 opment purposes.

21 Funds appropriated to the Forest Service shall be
22 available for payments to counties within the Columbia
23 River Gorge National Scenic Area, pursuant to sections
24 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
25 663.

1 Notwithstanding any other provision of law, any ap-
2 propriations or funds available to the Forest Service not
3 to exceed \$500,000 may be used to reimburse the Office
4 of the General Counsel (OGC), Department of Agri-
5 culture, for travel and related expenses incurred as a re-
6 sult of OGC assistance or participation requested by the
7 Forest Service at meetings, training sessions, management
8 reviews, land purchase negotiations and similar non-litiga-
9 tion related matters. Future budget justifications for both
10 the Forest Service and the Department of Agriculture
11 should clearly display the sums previously transferred and
12 the requested funding transfers.

13 Any appropriations or funds available to the Forest
14 Service may be used for necessary expenses in the event
15 of law enforcement emergencies as necessary to protect
16 natural resources and public or employee safety: *Provided,*
17 That such amounts shall not exceed \$1,000,000.

18 For each fiscal year through 2009, the Secretary of
19 Agriculture may transfer or reimburse funds available to
20 the Forest Service, not to exceed \$15,000,000, to the Sec-
21 retary of the Interior or the Secretary of Commerce to
22 expedite conferencing and consultations as required under
23 section 7 of the Endangered Species Act, 16 U.S.C. 1536.
24 The amount of the transfer or reimbursement shall be as
25 mutually agreed by the Secretary of Agriculture and the

1 Secretary of the Interior or Secretary of Commerce, as
2 applicable, or their designees. The amount shall in no case
3 exceed the actual costs of consultation and conferencing.

4 An eligible individual who is employed in any project
5 funded under title V of the Older American Act of 1965
6 (42 U.S.C. 3056 et seq.) and administered by the Forest
7 Service shall be considered to be a Federal employee for
8 purposes of chapter 171 of title 28, United States Code.

9 Any funds appropriated to the Forest Service may
10 be used to meet the non-Federal share requirement in sec-
11 tion 502(c) of the Older American Act of 1965 (42 U.S.C.
12 3056(c)(2)).

13 DEPARTMENT OF ENERGY

14 CLEAN COAL TECHNOLOGY

15 (DEFERRAL)

16 Of the funds made available under this heading for
17 obligation in prior years, \$237,000,000 shall not be avail-
18 able until October 1, 2005, *Provided*, That funds made
19 available in previous appropriations Acts shall be available
20 for any ongoing project regardless of the separate request
21 for proposal under which the project was selected: *Pro-*
22 *vided further*, That of the funds made available in prior
23 year appropriations under this heading, up to \$18,000,000
24 shall be available in fiscal year 2005 for FutureGen, with-
25 out regard to the terms and conditions applicable to clean

1 coal technology projects: *Provided further*, That the initial
2 planning and research stages of the FutureGen project
3 shall include a matching requirement from non-Federal
4 sources of at least 20 percent of the costs: *Provided fur-*
5 *ther*, That any demonstration component of such project
6 shall include a matching requirement from non-Federal
7 sources of at least 50 percent of the costs of the compo-
8 nent.

9 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

10 For necessary expenses in carrying out fossil energy
11 research and development activities, under the authority
12 of the Department of Energy Organization Act (Public
13 Law 95–91), including the acquisition of interest, includ-
14 ing defeasible and equitable interests in any real property
15 or any facility or for plant or facility acquisition or expan-
16 sion, and for conducting inquiries, technological investiga-
17 tions and research concerning the extraction, processing,
18 use, and disposal of mineral substances without objection-
19 able social and environmental costs (30 U.S.C. 3, 1602,
20 and 1603), \$601,875,000, to remain available until ex-
21 pended, of which \$4,000,000 is to continue a multi-year
22 project for construction, renovation, furnishing, and demo-
23 lition or removal of buildings at National Energy Tech-
24 nology Laboratory facilities in Morgantown, West Virginia
25 and Pittsburgh, Pennsylvania; and of which \$105,000,000

1 is available, after coordination with the private sector, for
2 a request for proposals for a Clean Coal Power Initiative
3 providing for competitively-awarded research, develop-
4 ment, and demonstration projects to reduce the barriers
5 to continued and expanded coal use: *Provided further,*
6 That no project may be selected for which sufficient fund-
7 ing is not available to provide for the total project: *Pro-*
8 *vided further,* That funds shall be expended in accordance
9 with the provisions governing the use of funds contained
10 under the heading “Clean Coal Technology” in 42 U.S.C.
11 5903d: *Provided further,* That the Department may in-
12 clude provisions for repayment of Government contribu-
13 tions to individual projects in an amount up to the Govern-
14 ment contribution to the project on terms and conditions
15 that are acceptable to the Department including repay-
16 ments from sale and licensing of technologies from both
17 domestic and foreign transactions: *Provided further,* That
18 such repayments shall be retained by the Department for
19 future coal-related research, development and demonstra-
20 tion projects: *Provided further,* That any technology se-
21 lected under this program shall be considered a Clean Coal
22 Technology, and any project selected under this program
23 shall be considered a Clean Coal Technology Project, for
24 the purposes of 42 U.S.C. 7651n, and Chapters 51, 52,
25 and 60 of title 40 of the Code of Federal Regulations:

1 *Provided further*, That no part of the sum herein made
2 available shall be used for the field testing of nuclear ex-
3 plosives in the recovery of oil and gas: *Provided further*,
4 That up to 4 percent of program direction funds available
5 to the National Energy Technology Laboratory may be
6 used to support Department of Energy activities not in-
7 cluded in this account.

8 NAVAL PETROLEUM AND OIL SHALE RESERVES

9 For expenses necessary to carry out naval petroleum
10 and oil shale reserve activities, \$18,000,000, to remain
11 available until expended: *Provided*, That, notwithstanding
12 any other provision of law, unobligated funds remaining
13 from prior years shall be available for all naval petroleum
14 and oil shale reserve activities.

15 ELK HILLS SCHOOL LANDS FUND

16 For necessary expenses in fulfilling installment pay-
17 ments under the Settlement Agreement entered into by
18 the United States and the State of California on October
19 11, 1996, as authorized by section 3415 of Public Law
20 104–106, \$36,000,000, to become available on October 1,
21 2005 for payment to the State of California for the State
22 Teachers' Retirement Fund from the Elk Hills School
23 Lands Fund.

1 ENERGY CONSERVATION

2 For necessary expenses in carrying out energy con-
3 servation activities, \$656,071,000, to remain available
4 until expended, of which \$45,098,000 shall be for State
5 energy program grants.

6 STRATEGIC PETROLEUM RESERVE

7 For necessary expenses for Strategic Petroleum Re-
8 serve facility development and operations and program
9 management activities pursuant to the Energy Policy and
10 Conservation Act of 1975, as amended (42 U.S.C. 6201
11 et seq.), \$172,100,000, to remain available until expended.

12 NORTHEAST HOME HEATING OIL RESERVE

13 For necessary expenses for Northeast Home Heating
14 Oil Reserve storage, operations, and management activi-
15 ties pursuant to the Energy Policy and Conservation Act
16 of 2000, \$5,000,000, to remain available until expended.

17 ENERGY INFORMATION ADMINISTRATION

18 For necessary expenses in carrying out the activities
19 of the Energy Information Administration, \$85,000,000,
20 to remain available until expended.

21 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

22 Appropriations under this Act for the current fiscal
23 year shall be available for hire of passenger motor vehicles;
24 hire, maintenance, and operation of aircraft; purchase, re-
25 pair, and cleaning of uniforms; and reimbursement to the

1 General Services Administration for security guard serv-
2 ices.

3 From appropriations under this Act, transfers of
4 sums may be made to other agencies of the Government
5 for the performance of work for which the appropriation
6 is made.

7 None of the funds made available to the Department
8 of Energy under this Act shall be used to implement or
9 finance authorized price support or loan guarantee pro-
10 grams unless specific provision is made for such programs
11 in an appropriations Act.

12 The Secretary is authorized to accept lands, build-
13 ings, equipment, and other contributions from public and
14 private sources and to prosecute projects in cooperation
15 with other agencies, Federal, State, private or foreign:
16 *Provided*, That revenues and other moneys received by or
17 for the account of the Department of Energy or otherwise
18 generated by sale of products in connection with projects
19 of the Department appropriated under this Act may be
20 retained by the Secretary of Energy, to be available until
21 expended, and used only for plant construction, operation,
22 costs, and payments to cost-sharing entities as provided
23 in appropriate cost-sharing contracts or agreements: *Pro-*
24 *vided further*, That the remainder of revenues after the
25 making of such payments shall be covered, into the Treas-

1 ury as miscellaneous receipts: *Provided further*, That any
2 contract, agreement, or provision thereof entered into by
3 the Secretary pursuant to this authority shall not be exe-
4 cuted prior to the expiration of 30 calendar days (not in-
5 cluding any day in which either House of Congress is not
6 in session because of adjournment of more than 3 calendar
7 days to a day certain) from the receipt by the Speaker
8 of the House of Representatives and the President of the
9 Senate of a full comprehensive report on such project, in-
10 cluding the facts and circumstances relied upon in support
11 of the proposed project.

12 No funds provided in this Act may be expended by
13 the Department of Energy to prepare, issue, or process
14 procurement documents for programs or projects for
15 which appropriations have not been made.

16 In addition to other authorities set forth in this Act,
17 the Secretary may accept fees and contributions from pub-
18 lic and private sources, to be deposited in a contributed
19 funds account, and prosecute projects using such fees and
20 contributions in cooperation with other Federal, State or
21 private agencies or concerns.

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 INDIAN HEALTH SERVICE
4 INDIAN HEALTH SERVICES

5 For expenses necessary to carry out the Act of Au-
6 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
7 tion Act, the Indian Health Care Improvement Act, and
8 titles II and III of the Public Health Service Act with re-
9 spect to the Indian Health Service, \$2,628,322,000, to-
10 gether with payments received during the fiscal year pur-
11 suant to 42 U.S.C. 238(b) for services furnished by the
12 Indian Health Service: *Provided*, That funds made avail-
13 able to tribes and tribal organizations through contracts,
14 grant agreements, or any other agreements or compacts
15 authorized by the Indian Self-Determination and Edu-
16 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
17 deemed to be obligated at the time of the grant or contract
18 award and thereafter shall remain available to the tribe
19 or tribal organization without fiscal year limitation: *Pro-*
20 *vided further*, That up to \$18,000,000 shall remain avail-
21 able until expended, for the Indian Catastrophic Health
22 Emergency Fund: *Provided further*, That \$479,085,000
23 for contract medical care shall remain available for obliga-
24 tion until September 30, 2006: *Provided further*, That of
25 the funds provided, up to \$27,000,000 to remain available

1 until expended, shall be used to carry out the loan repay-
2 ment program under section 108 of the Indian Health
3 Care Improvement Act: *Provided further*, That funds pro-
4 vided in this Act may be used for one-year contracts and
5 grants which are to be performed in two fiscal years, so
6 long as the total obligation is recorded in the year for
7 which the funds are appropriated: *Provided further*, That
8 the amounts collected by the Secretary of Health and
9 Human Services under the authority of title IV of the In-
10 dian Health Care Improvement Act shall remain available
11 until expended for the purpose of achieving compliance
12 with the applicable conditions and requirements of titles
13 XVIII and XIX of the Social Security Act (exclusive of
14 planning, design, or construction of new facilities): *Pro-*
15 *vided further*, That funding contained herein, and in any
16 earlier appropriations Acts for scholarship programs
17 under the Indian Health Care Improvement Act (25
18 U.S.C. 1613) shall remain available until expended: *Pro-*
19 *vided further*, That amounts received by tribes and tribal
20 organizations under title IV of the Indian Health Care Im-
21 provement Act shall be reported and accounted for and
22 available to the receiving tribes and tribal organizations
23 until expended: *Provided further*, That, notwithstanding
24 any other provision of law, of the amounts provided herein,
25 not to exceed \$267,398,000 shall be for payments to tribes

1 and tribal organizations for contract or grant support
2 costs associated with contracts, grants, self-governance
3 compacts or annual funding agreements between the In-
4 dian Health Service and a tribe or tribal organization pur-
5 suant to the Indian Self-Determination Act of 1975, as
6 amended, prior to or during fiscal year 2005, of which
7 not to exceed \$2,500,000 may be used for contract sup-
8 port costs associated with new or expanded self-determina-
9 tion contracts, grants, self-governance compacts or annual
10 funding agreements: *Provided further*, That funds avail-
11 able for the Indian Health Care Improvement Fund may
12 be used, as needed, to carry out activities typically funded
13 under the Indian Health Facilities account.

14 INDIAN HEALTH FACILITIES

15 For construction, repair, maintenance, improvement,
16 and equipment of health and related auxiliary facilities,
17 including quarters for personnel; preparation of plans,
18 specifications, and drawings; acquisition of sites, purchase
19 and erection of modular buildings, and purchases of trail-
20 ers; and for provision of domestic and community sanita-
21 tion facilities for Indians, as authorized by section 7 of
22 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
23 Self-Determination Act, and the Indian Health Care Im-
24 provement Act, and for expenses necessary to carry out
25 such Acts and titles II and III of the Public Health Serv-

1 ice Act with respect to environmental health and facilities
2 support activities of the Indian Health Service,
3 \$405,048,000, to remain available until expended: *Pro-*
4 *vided*, That notwithstanding any other provision of law,
5 funds appropriated for the planning, design, construction
6 or renovation of health facilities for the benefit of an In-
7 dian tribe or tribes may be used to purchase land for sites
8 to construct, improve, or enlarge health or related facili-
9 ties: *Provided further*, That not to exceed \$500,000 shall
10 be used by the Indian Health Service to purchase
11 TRANSAM equipment from the Department of Defense
12 for distribution to the Indian Health Service and tribal
13 facilities: *Provided further*, That none of the funds appro-
14 priated to the Indian Health Service may be used for sani-
15 tation facilities construction for new homes funded with
16 grants by the housing programs of the United States De-
17 partment of Housing and Urban Development: *Provided*
18 *further*, That not to exceed \$1,000,000 from this account
19 and the “Indian Health Services” account shall be used
20 by the Indian Health Service to obtain ambulances for the
21 Indian Health Service and tribal facilities in conjunction
22 with an existing interagency agreement between the In-
23 dian Health Service and the General Services Administra-
24 tion: *Provided further*, That not to exceed \$500,000 shall
25 be placed in a Demolition Fund, available until expended,

1 to be used by the Indian Health Service for demolition
2 of Federal buildings: *Provided further*, That up to
3 \$2,700,000 may be used for the purchase of up to 27 acres
4 at two sites for the construction of the northern and
5 southern California Youth Regional Treatment Centers
6 subject to advance approval from the House and Senate
7 Committees on Appropriations.

8 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

9 Appropriations in this Act to the Indian Health Serv-
10 ice shall be available for services as authorized by 5 U.S.C.
11 3109 but at rates not to exceed the per diem rate equiva-
12 lent to the maximum rate payable for senior-level positions
13 under 5 U.S.C. 5376; hire of passenger motor vehicles and
14 aircraft; purchase of medical equipment; purchase of re-
15 prints; purchase, renovation and erection of modular
16 buildings and renovation of existing facilities; payments
17 for telephone service in private residences in the field,
18 when authorized under regulations approved by the Sec-
19 retary; and for uniforms or allowances therefor as author-
20 ized by 5 U.S.C. 5901–5902; and for expenses of attend-
21 ance at meetings which are concerned with the functions
22 or activities for which the appropriation is made or which
23 will contribute to improved conduct, supervision, or man-
24 agement of those functions or activities.

1 In accordance with the provisions of the Indian
2 Health Care Improvement Act, non-Indian patients may
3 be extended health care at all tribally administered or In-
4 dian Health Service facilities, subject to charges, and the
5 proceeds along with funds recovered under the Federal
6 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
7 be credited to the account of the facility providing the
8 service and shall be available without fiscal year limitation.
9 Notwithstanding any other law or regulation, funds trans-
10 ferred from the Department of Housing and Urban Devel-
11 opment to the Indian Health Service shall be administered
12 under Public Law 86–121 (the Indian Sanitation Facili-
13 ties Act) and Public Law 93–638, as amended.

14 Funds appropriated to the Indian Health Service in
15 this Act, except those used for administrative and program
16 direction purposes, shall not be subject to limitations di-
17 rected at curtailing Federal travel and transportation.

18 None of the funds made available to the Indian
19 Health Service in this Act shall be used for any assess-
20 ments or charges by the Department of Health and
21 Human Services unless identified in the budget justifica-
22 tion and provided in this Act, or approved by the House
23 and Senate Committees on Appropriations through the re-
24 programming process. Personnel ceilings may not be im-
25 posed on the Indian Health Service nor may any action

1 be taken to reduce the full time equivalent level of the
2 Indian Health Service below the level in fiscal year 2002
3 adjusted upward for the staffing of new and expanded fa-
4 cilities, funding provided for staffing at the Lawton, Okla-
5 homa hospital in fiscal years 2003 and 2004, critical posi-
6 tions not filled in fiscal year 2002, and staffing necessary
7 to carry out the intent of Congress with regard to program
8 increases.

9 Notwithstanding any other provision of law, funds
10 previously or herein made available to a tribe or tribal or-
11 ganization through a contract, grant, or agreement au-
12 thorized by title I or title III or title V of the Indian Self-
13 Determination and Education Assistance Act of 1975 (25
14 U.S.C. 450), may be deobligated and reobligated to a self-
15 determination contract under title I, or a self-governance
16 agreement under title V of such Act and thereafter shall
17 remain available to the tribe or tribal organization without
18 fiscal year limitation.

19 None of the funds made available to the Indian
20 Health Service in this Act shall be used to implement the
21 final rule published in the Federal Register on September
22 16, 1987, by the Department of Health and Human Serv-
23 ices, relating to the eligibility for the health care services
24 of the Indian Health Service until the Indian Health Serv-
25 ice has submitted a budget request reflecting the increased

1 costs associated with the proposed final rule, and such re-
2 quest has been included in an appropriations Act and en-
3 acted into law.

4 With respect to functions transferred by the Indian
5 Health Service to tribes or tribal organizations, the Indian
6 Health Service is authorized to provide goods and services
7 to those entities, on a reimbursable basis, including pay-
8 ment in advance with subsequent adjustment. The reim-
9 bursements received therefrom, along with the funds re-
10 ceived from those entities pursuant to the Indian Self-De-
11 termination Act, may be credited to the same or subse-
12 quent appropriation account which provided the funding.
13 Such amounts shall remain available until expended.

14 Reimbursements for training, technical assistance, or
15 services provided by the Indian Health Service will contain
16 total costs, including direct, administrative, and overhead
17 associated with the provision of goods, services, or tech-
18 nical assistance.

19 The Indian Health Service may purchase 8.5 acres
20 of land for expansion of parking facilities at the W.W.
21 Hastings hospital in Tahlequah, Oklahoma using third
22 party collections subject to advance approval from the
23 House and Senate Committees on Appropriations.

1 The appropriation structure for the Indian Health
2 Service may not be altered without advance approval of
3 the House and Senate Committees on Appropriations.

4 OTHER RELATED AGENCIES

5 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of Navajo and
8 Hopi Indian Relocation as authorized by Public Law 93–
9 531, \$11,000,000, to remain available until expended:
10 *Provided*, That funds provided in this or any other appro-
11 priations Act are to be used to relocate eligible individuals
12 and groups including evictees from District 6, Hopi-parti-
13 tioned lands residents, those in significantly substandard
14 housing, and all others certified as eligible and not in-
15 cluded in the preceding categories: *Provided further*, That
16 none of the funds contained in this or any other Act may
17 be used by the Office of Navajo and Hopi Indian Reloca-
18 tion to evict any single Navajo or Navajo family who, as
19 of November 30, 1985, was physically domiciled on the
20 lands partitioned to the Hopi Tribe unless a new or re-
21 placement home is provided for such household: *Provided*
22 *further*, That no relocatee will be provided with more than
23 one new or replacement home: *Provided further*, That the
24 Office shall relocate any certified eligible relocatees who
25 have selected and received an approved homesite on the

1 Navajo reservation or selected a replacement residence off
2 the Navajo reservation or on the land acquired pursuant
3 to 25 U.S.C. 640d–10.

4 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
5 CULTURE AND ARTS DEVELOPMENT

6 PAYMENT TO THE INSTITUTE

7 For payment to the Institute of American Indian and
8 Alaska Native Culture and Arts Development, as author-
9 ized by title XV of Public Law 99–498, as amended (20
10 U.S.C. 56 part A), \$6,000,000.

11 SMITHSONIAN INSTITUTION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Smithsonian Institu-
14 tion, as authorized by law, including research in the fields
15 of art, science, and history; development, preservation, and
16 documentation of the National Collections; presentation of
17 public exhibits and performances; collection, preparation,
18 dissemination, and exchange of information and publica-
19 tions; conduct of education, training, and museum assist-
20 ance programs; maintenance, alteration, operation, lease
21 (for terms not to exceed 30 years), and protection of build-
22 ings, facilities, and approaches; not to exceed \$100,000
23 for services as authorized by 5 U.S.C. 3109; up to five
24 replacement passenger vehicles; purchase, rental, repair,
25 and cleaning of uniforms for employees, \$496,925,000, of

1 which not to exceed \$11,108,000 for the instrumentation
2 program, collections acquisition, exhibition reinstallation,
3 the National Museum of African American History and
4 Culture, and the repatriation of skeletal remains program
5 shall remain available until expended; and of which
6 \$1,620,000 for fellowships and scholarly awards shall re-
7 main available until September 30, 2006; and including
8 such funds as may be necessary to support American over-
9 seas research centers and a total of \$125,000 for the
10 Council of American Overseas Research Centers: *Provided*,
11 That funds appropriated herein are available for advance
12 payments to independent contractors performing research
13 services or participating in official Smithsonian presen-
14 tations: *Provided further*, That the Smithsonian Institu-
15 tion may expend Federal appropriations designated in this
16 Act for lease or rent payments for long term and swing
17 space, as rent payable to the Smithsonian Institution, and
18 such rent payments may be deposited into the general
19 trust funds of the Institution to the extent that federally
20 supported activities are housed in the 900 H Street, N.W.
21 building in the District of Columbia: *Provided further*,
22 That this use of Federal appropriations shall not be con-
23 strued as debt service, a Federal guarantee of, a transfer
24 of risk to, or an obligation of, the Federal Government:
25 *Provided further*, That no appropriated funds may be used

1 to service debt which is incurred to finance the costs of
2 acquiring the 900 H Street building or of planning, de-
3 signing, and constructing improvements to such building.

4 FACILITIES CAPITAL

5 For necessary expenses of repair, revitalization, and
6 alteration of facilities owned or occupied by the Smithso-
7 nian Institution, by contract or otherwise, as authorized
8 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
9 and for construction, including necessary personnel,
10 \$122,900,000, to remain available until expended, of
11 which not to exceed \$10,000 is for services as authorized
12 by 5 U.S.C. 3109: *Provided*, That contracts awarded for
13 environmental systems, protection systems, and repair or
14 restoration of facilities of the Smithsonian Institution may
15 be negotiated with selected contractors and awarded on
16 the basis of contractor qualifications as well as price: *Pro-*
17 *vided further*, That balances from amounts previously ap-
18 propriated under the headings “Repair, Restoration and
19 Alteration of Facilities” and “Construction” shall be
20 transferred to and merged with this appropriation and
21 shall remain until expended.

22 ADMINISTRATIVE PROVISIONS, SMITHSONIAN
23 INSTITUTION

24 None of the funds in this or any other Act may be
25 used to make any changes to the existing Smithsonian

1 science programs including closure of facilities, relocation
2 of staff or redirection of functions and programs without
3 approval from the Board of Regents of recommendations
4 received from the Science Commission.

5 None of the funds in this or any other Act may be
6 used to initiate the design for any proposed expansion of
7 current space or new facility without consultation with the
8 House and Senate Appropriations Committees.

9 None of the funds in this or any other Act may be
10 used for the Holt House located at the National Zoological
11 Park in Washington, D.C., unless identified as repairs to
12 minimize water damage, monitor structure movement, or
13 provide interim structural support.

14 None of the funds available to the Smithsonian may
15 be reprogrammed without the advance written approval of
16 the House and Senate Committees on Appropriations in
17 accordance with the reprogramming procedures contained
18 in the statement of the managers accompanying this Act.

19 None of the funds in this or any other Act may be
20 used to purchase any additional buildings without prior
21 consultation with the House and Senate Committees on
22 Appropriations.

1 NATIONAL GALLERY OF ART

2 SALARIES AND EXPENSES

3 For the upkeep and operations of the National Gal-
4 lery of Art, the protection and care of the works of art
5 therein, and administrative expenses incident thereto, as
6 authorized by the Act of March 24, 1937 (50 Stat. 51),
7 as amended by the public resolution of April 13, 1939
8 (Public Resolution 9, Seventy-sixth Congress), including
9 services as authorized by 5 U.S.C. 3109; payment in ad-
10 vance when authorized by the treasurer of the Gallery for
11 membership in library, museum, and art associations or
12 societies whose publications or services are available to
13 members only, or to members at a price lower than to the
14 general public; purchase, repair, and cleaning of uniforms
15 for guards, and uniforms, or allowances therefor, for other
16 employees as authorized by law (5 U.S.C. 5901–5902);
17 purchase or rental of devices and services for protecting
18 buildings and contents thereof, and maintenance, alter-
19 ation, improvement, and repair of buildings, approaches,
20 and grounds; and purchase of services for restoration and
21 repair of works of art for the National Gallery of Art by
22 contracts made, without advertising, with individuals,
23 firms, or organizations at such rates or prices and under
24 such terms and conditions as the Gallery may deem prop-
25 er, \$93,000,000, of which not to exceed \$3,026,000 for

1 the special exhibition program shall remain available until
2 expended.

3 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

4 For necessary expenses of repair, restoration and
5 renovation of buildings, grounds and facilities owned or
6 occupied by the National Gallery of Art, by contract or
7 otherwise, as authorized, \$11,100,000, to remain available
8 until expended: *Provided*, That contracts awarded for envi-
9 ronmental systems, protection systems, and exterior repair
10 or renovation of buildings of the National Gallery of Art
11 may be negotiated with selected contractors and awarded
12 on the basis of contractor qualifications as well as price.

13 JOHN F. KENNEDY CENTER FOR THE PERFORMING
14 ARTS

15 OPERATIONS AND MAINTENANCE

16 For necessary expenses for the operation, mainte-
17 nance and security of the John F. Kennedy Center for
18 the Performing Arts, \$17,152,000.

19 JOHN F. KENNEDY CENTER FOR THE PERFORMING
20 ARTS

21 CONSTRUCTION

22 For necessary expenses for capital repair and restora-
23 tion of the existing features of the building and site of
24 the John F. Kennedy Center for the Performing Arts,
25 \$10,000,000, to remain available until expended.

1 NATIONAL ENDOWMENT FOR THE HUMANITIES
2 GRANTS AND ADMINISTRATION

3 For necessary expenses to carry out the National
4 Foundation on the Arts and the Humanities Act of 1965,
5 as amended, \$122,377,000, shall be available to the Na-
6 tional Endowment for the Humanities for support of ac-
7 tivities in the humanities, pursuant to section 7(c) of the
8 Act, and for administering the functions of the Act, to
9 remain available until expended.

10 MATCHING GRANTS

11 To carry out the provisions of section 10(a)(2) of the
12 National Foundation on the Arts and the Humanities Act
13 of 1965, as amended, \$16,122,000, to remain available
14 until expended, of which \$10,436,000 shall be available
15 to the National Endowment for the Humanities for the
16 purposes of section 7(h): *Provided*, That this appropria-
17 tion shall be available for obligation only in such amounts
18 as may be equal to the total amounts of gifts, bequests,
19 and devises of money, and other property accepted by the
20 chairman or by grantees of the Endowment under the pro-
21 visions of subsections 11(a)(2)(B) and 11(a)(3)(B) during
22 the current and preceding fiscal years for which equal
23 amounts have not previously been appropriated.

24 ADMINISTRATIVE PROVISIONS

25 None of the funds appropriated to the National
26 Foundation on the Arts and the Humanities may be used

1 to process any grant or contract documents which do not
2 include the text of 18 U.S.C. 1913: *Provided*, That none
3 of the funds appropriated to the National Foundation on
4 the Arts and the Humanities may be used for official re-
5 ception and representation expenses: *Provided further*,
6 That funds from nonappropriated sources may be used as
7 necessary for official reception and representation ex-
8 penses: *Provided further*, That the Chairperson of the Na-
9 tional Endowment for the Arts may approve grants up to
10 \$10,000, if in the aggregate this amount does not exceed
11 5 percent of the sums appropriated for grant-making pur-
12 poses per year: *Provided further*, That such small grant
13 actions are taken pursuant to the terms of an expressed
14 and direct delegation of authority from the National Coun-
15 cil on the Arts to the Chairperson.

16 COMMISSION OF FINE ARTS

17 SALARIES AND EXPENSES

18 For expenses made necessary by the Act establishing
19 a Commission of Fine Arts (40 U.S.C. 104), \$1,793,000:
20 *Provided*, That the Commission is authorized to charge
21 fees to cover the full costs of its publications, and such
22 fees shall be credited to this account as an offsetting col-
23 lection, to remain available until expended without further
24 appropriation.

1 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

2 For necessary expenses as authorized by Public Law
3 99–190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

4 ADVISORY COUNCIL ON HISTORIC PRESERVATION

5 SALARIES AND EXPENSES

6 For necessary expenses of the Advisory Council on
7 Historic Preservation (Public Law 89–665, as amended),
8 \$4,600,000: *Provided*, That none of these funds shall be
9 available for compensation of level V of the Executive
10 Schedule or higher positions.

11 NATIONAL CAPITAL PLANNING COMMISSION

12 SALARIES AND EXPENSES

13 For necessary expenses, as authorized by the Na-
14 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
15 including services as authorized by 5 U.S.C. 3109,
16 \$7,999,000: *Provided*, That one-quarter of one percent of
17 the funds provided under this heading may be used for
18 official reception and representational expenses to host
19 international visitors engaged in the planning and physical
20 development of world capitals.

21 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

22 HOLOCAUST MEMORIAL MUSEUM

23 For expenses of the Holocaust Memorial Museum, as
24 authorized by Public Law 106–292 (36 U.S.C. 2301–
25 2310), \$41,433,000, of which \$1,900,000 for the muse-

1 um's repair and rehabilitation program and \$1,264,000
2 for the museum's exhibitions program shall remain avail-
3 able until expended.

4 PRESIDIO TRUST

5 PRESIDIO TRUST FUND

6 For necessary expenses to carry out title I of the Om-
7 nibus Parks and Public Lands Management Act of 1996,
8 \$20,000,000 shall be available to the Presidio Trust, to
9 remain available until expended.

10 TITLE III—GENERAL PROVISIONS

11 SEC. 301. The expenditure of any appropriation
12 under this Act for any consulting service through procure-
13 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
14 to those contracts where such expenditures are a matter
15 of public record and available for public inspection, except
16 where otherwise provided under existing law, or under ex-
17 isting Executive order issued pursuant to existing law.

18 SEC. 302. No part of any appropriation contained in
19 this Act shall be available for any activity or the publica-
20 tion or distribution of literature that in any way tends to
21 promote public support or opposition to any legislative
22 proposal on which congressional action is not complete.

23 SEC. 303. No part of any appropriation contained in
24 this Act shall remain available for obligation beyond the
25 current fiscal year unless expressly so provided herein.

1 SEC. 304. None of the funds provided in this Act to
2 any department or agency shall be obligated or expended
3 to provide a personal cook, chauffeur, or other personal
4 servants to any officer or employee of such department
5 or agency except as otherwise provided by law.

6 SEC. 305. No assessments may be levied against any
7 program, budget activity, subactivity, or project funded by
8 this Act unless notice of such assessments and the basis
9 therefor are presented to the Committees on Appropria-
10 tions and are approved by such committees.

11 SEC. 306. None of the funds in this Act may be used
12 to plan, prepare, or offer for sale timber from trees classi-
13 fied as giant sequoia (*Sequoiadendron giganteum*) which
14 are located on National Forest System or Bureau of Land
15 Management lands in a manner different than such sales
16 were conducted in fiscal year 2004.

17 SEC. 307. (a) LIMITATION OF FUNDS.—None of the
18 funds appropriated or otherwise made available pursuant
19 to this Act shall be obligated or expended to accept or
20 process applications for a patent for any mining or mill
21 site claim located under the general mining laws.

22 (b) EXCEPTIONS.—The provisions of subsection (a)
23 shall not apply if the Secretary of the Interior determines
24 that, for the claim concerned: (1) a patent application was
25 filed with the Secretary on or before September 30, 1994;

1 and (2) all requirements established under sections 2325
2 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
3 for vein or lode claims and sections 2329, 2330, 2331,
4 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
5 37) for placer claims, and section 2337 of the Revised
6 Statutes (30 U.S.C. 42) for mill site claims, as the case
7 may be, were fully complied with by the applicant by that
8 date.

9 (c) REPORT.—On September 30, 2005, the Secretary
10 of the Interior shall file with the House and Senate Com-
11 mittees on Appropriations and the Committee on Re-
12 sources of the House of Representatives and the Com-
13 mittee on Energy and Natural Resources of the Senate
14 a report on actions taken by the Department under the
15 plan submitted pursuant to section 314(c) of the Depart-
16 ment of the Interior and Related Agencies Appropriations
17 Act, 1997 (Public Law 104-208).

18 (d) MINERAL EXAMINATIONS.—In order to process
19 patent applications in a timely and responsible manner,
20 upon the request of a patent applicant, the Secretary of
21 the Interior shall allow the applicant to fund a qualified
22 third-party contractor to be selected by the Bureau of
23 Land Management to conduct a mineral examination of
24 the mining claims or mill sites contained in a patent appli-
25 cation as set forth in subsection (b). The Bureau of Land

1 Management shall have the sole responsibility to choose
2 and pay the third-party contractor in accordance with the
3 standard procedures employed by the Bureau of Land
4 Management in the retention of third-party contractors.

5 SEC. 308. Notwithstanding any other provision of
6 law, amounts appropriated to or earmarked in committee
7 reports for the Bureau of Indian Affairs and the Indian
8 Health Service by Public Laws 103–138, 103–332, 104–
9 134, 104–208, 105–83, 105–277, 106–113, 106–291,
10 107–63, 108–7, and 108–108 for payments to tribes and
11 tribal organizations for contract support costs associated
12 with self-determination or self-governance contracts,
13 grants, compacts, or annual funding agreements with the
14 Bureau of Indian Affairs or the Indian Health Service as
15 funded by such Acts, are the total amounts available for
16 fiscal years 1994 through 2004 for such purposes, except
17 that, for the Bureau of Indian Affairs, tribes and tribal
18 organizations may use their tribal priority allocations for
19 unmet indirect costs of ongoing contracts, grants, self-gov-
20 ernance compacts or annual funding agreements.

21 SEC. 309. Of the funds provided to the National En-
22 dowment for the Arts—

23 (1) The Chairperson shall only award a grant
24 to an individual if such grant is awarded to such in-
25 dividual for a literature fellowship, National Herit-

1 age Fellowship, or American Jazz Masters Fellow-
2 ship.

3 (2) The Chairperson shall establish procedures
4 to ensure that no funding provided through a grant,
5 except a grant made to a State or local arts agency,
6 or regional group, may be used to make a grant to
7 any other organization or individual to conduct ac-
8 tivity independent of the direct grant recipient.
9 Nothing in this subsection shall prohibit payments
10 made in exchange for goods and services.

11 (3) No grant shall be used for seasonal support
12 to a group, unless the application is specific to the
13 contents of the season, including identified programs
14 and/or projects.

15 SEC. 310. Through fiscal year 2009, the National
16 Endowment for the Arts and the National Endowment for
17 the Humanities are authorized to solicit, accept, receive,
18 and invest in the name of the United States, gifts, be-
19 quests, or devises of money and other property or services
20 and to use such in furtherance of the functions of the Na-
21 tional Endowment for the Arts and the National Endow-
22 ment for the Humanities. Any proceeds from such gifts,
23 bequests, or devises, after acceptance by the National En-
24 dowment for the Arts or the National Endowment for the
25 Humanities, shall be paid by the donor or the representa-

1 tive of the donor to the Chairman. The Chairman shall
2 enter the proceeds in a special interest-bearing account to
3 the credit of the appropriate endowment for the purposes
4 specified in each case.

5 SEC. 311. The section shall apply for fiscal years
6 2005 through 2009. (a) In providing services or awarding
7 financial assistance under the National Foundation on the
8 Arts and the Humanities Act of 1965 from funds appro-
9 priated under this Act, the Chairperson of the National
10 Endowment for the Arts shall ensure that priority is given
11 to providing services or awarding financial assistance for
12 projects, productions, workshops, or programs that serve
13 underserved populations.

14 (b) In this section:

15 (1) The term “underserved population” means
16 a population of individuals, including urban minori-
17 ties, who have historically been outside the purview
18 of arts and humanities programs due to factors such
19 as a high incidence of income below the poverty line
20 or to geographic isolation.

21 (2) The term “poverty line” means the poverty
22 line (as defined by the Office of Management and
23 Budget, and revised annually in accordance with sec-
24 tion 673(2) of the Community Services Block Grant

1 Act (42 U.S.C. 9902(2)) applicable to a family of
2 the size involved.

3 (c) In providing services and awarding financial as-
4 sistance under the National Foundation on the Arts and
5 Humanities Act of 1965 with funds appropriated by this
6 Act, the Chairperson of the National Endowment for the
7 Arts shall ensure that priority is given to providing serv-
8 ices or awarding financial assistance for projects, produc-
9 tions, workshops, or programs that will encourage public
10 knowledge, education, understanding, and appreciation of
11 the arts.

12 (d) With funds appropriated by this Act to carry out
13 section 5 of the National Foundation on the Arts and Hu-
14 manities Act of 1965—

15 (1) the Chairperson shall establish a grant cat-
16 egory for projects, productions, workshops, or pro-
17 grams that are of national impact or availability or
18 are able to tour several States;

19 (2) the Chairperson shall not make grants ex-
20 ceeding 15 percent, in the aggregate, of such funds
21 to any single State, excluding grants made under the
22 authority of paragraph (1);

23 (3) the Chairperson shall report to the Con-
24 gress annually and by State, on grants awarded by

1 the Chairperson in each grant category under sec-
2 tion 5 of such Act; and

3 (4) the Chairperson shall encourage the use of
4 grants to improve and support community-based
5 music performance and education.

6 SEC. 312. No part of any appropriation contained in
7 this Act shall be expended or obligated to complete and
8 issue the 5-year program under the Forest and Rangeland
9 Renewable Resources Planning Act.

10 SEC. 313. None of the funds in this Act may be used
11 to support Government-wide administrative functions un-
12 less such functions are justified in the budget process and
13 funding is approved by the House and Senate Committees
14 on Appropriations.

15 SEC. 314. Notwithstanding any other provision of
16 law, for fiscal year 2005 the Secretaries of Agriculture and
17 the Interior are authorized to limit competition for water-
18 shed restoration project contracts as part of the “Jobs in
19 the Woods” Program established in Region 10 of the For-
20 est Service to individuals and entities in historically tim-
21 ber-dependent areas in the States of Washington, Oregon,
22 northern California, Idaho, Montana, and Alaska that
23 have been affected by reduced timber harvesting on Fed-
24 eral lands. The Secretaries shall consider the benefits to
25 the local economy in evaluating bids and designing pro-

1 curements which create economic opportunities for local
2 contractors.

3 SEC. 315. Amounts deposited during fiscal year 2004
4 in the roads and trails fund provided for in the 14th para-
5 graph under the heading “FOREST SERVICE” of the
6 Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall
7 be used by the Secretary of Agriculture, without regard
8 to the State in which the amounts were derived, to repair
9 or reconstruct roads, bridges, and trails on National For-
10 est System lands or to carry out and administer projects
11 to improve forest health conditions, which may include the
12 repair or reconstruction of roads, bridges, and trails on
13 National Forest System lands in the wildland-community
14 interface where there is an abnormally high risk of fire.
15 The projects shall emphasize reducing risks to human
16 safety and public health and property and enhancing eco-
17 logical functions, long-term forest productivity, and bio-
18 logical integrity. The projects may be completed in a sub-
19 sequent fiscal year. Funds shall not be expended under
20 this section to replace funds which would otherwise appro-
21 priately be expended from the timber salvage sale fund.
22 Nothing in this section shall be construed to exempt any
23 project from any environmental law.

24 SEC. 316. Other than in emergency situations, none
25 of the funds in this Act may be used to operate telephone

1 answering machines during core business hours unless
2 such answering machines include an option that enables
3 callers to reach promptly an individual on-duty with the
4 agency being contacted.

5 SEC. 317. Section 3 of the Act of June 9, 1930 (com-
6 monly known as the Knutson-Vandenberg Act; 16 U.S.C.
7 576b), is amended—

8 (1) by striking “The Secretary of Agriculture
9 may, when in his” and inserting “(a) The Secretary
10 of Agriculture may, when in his or her”;

11 (2) by striking “Such deposits” and inserting
12 the following: “Each of these 4 purposes shall be of
13 equal priority.

14 “(b) Amounts deposited under subsection (a)”;

15 (3) by striking “may direct:” and all that fol-
16 lows through “That the Secretary of Agriculture”
17 and inserting “may direct. The Secretary of Agri-
18 culture”; and

19 (4) by adding at the end the following new sub-
20 section:

21 “(c) Any portion of the balance at the end of a fiscal
22 year in the special fund established pursuant to this sec-
23 tion that the Secretary of Agriculture determines to be
24 in excess of the cost of doing work described in subsection
25 (a) (as well as any portion of the balance in the special

1 fund that the Secretary determined, before October 1,
2 2004, to be excess of the cost of doing work described in
3 subsection (a), but which has not been transferred by that
4 date) shall be transferred to miscellaneous receipts, Na-
5 tional Forest Fund, as a National Forest receipt, but only
6 if the Secretary also determines that—

7 “(1) the excess amounts will not be needed for
8 emergency wildfire suppression during the fiscal year
9 in which the transfer would be made; and

10 “(2) the amount to be transferred to miscella-
11 neous receipts, National Forest Fund, exceeds the
12 outstanding balance of unreimbursed funds trans-
13 ferred from the special fund in prior fiscal years for
14 wildfire suppression.”.

15 SEC. 318. A project undertaken by the Forest Service
16 under the Recreation Fee Demonstration Program as au-
17 thorized by section 315 of the Department of the Interior
18 and Related Agencies Appropriations Act for Fiscal Year
19 1996, as amended, shall not result in—

20 (1) displacement of the holder of an authoriza-
21 tion to provide commercial recreation services on
22 Federal lands. Prior to initiating any project, the
23 Secretary shall consult with potentially affected
24 holders to determine what impacts the project may
25 have on the holders. Any modifications to the au-

1 thorization shall be made within the terms and con-
2 ditions of the authorization and authorities of the
3 impacted agency; and

4 (2) the return of a commercial recreation serv-
5 ice to the Secretary for operation when such services
6 have been provided in the past by a private sector
7 provider, except when—

8 (A) the private sector provider fails to bid
9 on such opportunities;

10 (B) the private sector provider terminates
11 its relationship with the agency; or

12 (C) the agency revokes the permit for non-
13 compliance with the terms and conditions of the
14 authorization.

15 In such cases, the agency may use the Recreation Fee
16 Demonstration Program to provide for operations until a
17 subsequent operator can be found through the offering of
18 a new prospectus.

19 SEC. 319. Prior to October 1, 2005, the Secretary
20 of Agriculture shall not be considered to be in violation
21 of subparagraph 6(f)(5)(A) of the Forest and Rangeland
22 Renewable Resources Planning Act of 1974 (16 U.S.C.
23 1604(f)(5)(A)) solely because more than 15 years have
24 passed without revision of the plan for a unit of the Na-
25 tional Forest System. Nothing in this section exempts the

1 Secretary from any other requirement of the Forest and
2 Rangeland Renewable Resources Planning Act (16 U.S.C.
3 1600 et seq.) or any other law: *Provided*, That if the Sec-
4 retary is not acting expeditiously and in good faith, within
5 the funding available, to revise a plan for a unit of the
6 National Forest System, this section shall be void with re-
7 spect to such plan and a court of proper jurisdiction may
8 order completion of the plan on an accelerated basis.

9 SEC. 320. No funds provided in this Act may be ex-
10 pended to conduct preleasing, leasing and related activities
11 under either the Mineral Leasing Act (30 U.S.C. 181 et
12 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
13 1331 et seq.) within the boundaries of a National Monu-
14 ment established pursuant to the Act of June 8, 1906 (16
15 U.S.C. 431 et seq.) as such boundary existed on January
16 20, 2001, except where such activities are allowed under
17 the Presidential proclamation establishing such monu-
18 ment.

19 SEC. 321. Extension of Forest Service Conveyances
20 Pilot Program.—Section 329 of the Department of the In-
21 terior and Related Agencies Appropriations Act, 2002 (16
22 U.S.C. 580d note; Public Law 107–63) is amended—

23 (1) in subsection (b), by striking “30” and in-
24 serting “40”;

1 (2) in subsection (c) by striking “8” and insert-
2 ing “13”; and

3 (3) in subsection (d), by striking “2006” and
4 inserting “2008”.

5 SEC. 322. Employees of the foundations established
6 by Acts of Congress to solicit private sector funds on be-
7 half of Federal land management agencies shall, hereafter,
8 qualify for General Service Administration contract air-
9 fares.

10 SEC. 323. In entering into agreements with foreign
11 countries pursuant to the Wildfire Suppression Assistance
12 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
13 the Secretary of the Interior are authorized to enter into
14 reciprocal agreements in which the individuals furnished
15 under said agreements to provide wildfire services are con-
16 sidered, for purposes of tort liability, employees of the
17 country receiving said services when the individuals are
18 engaged in fire suppression: *Provided*, That the Secretary
19 of Agriculture or the Secretary of the Interior shall not
20 enter into any agreement under this provision unless the
21 foreign country (either directly or through its fire organi-
22 zation) agrees to assume any and all liability for the acts
23 or omissions of American firefighters engaged in fire-
24 fighting in a foreign country: *Provided further*, That when
25 an agreement is reached for furnishing fire fighting serv-

1 ices, the only remedies for acts or omissions committed
2 while fighting fires shall be those provided under the laws
3 of the host country, and those remedies shall be the exclu-
4 sive remedies for any claim arising out of fighting fires
5 in a foreign country: *Provided further*, That neither the
6 sending country nor any legal organization associated with
7 the firefighter shall be subject to any legal action whatso-
8 ever pertaining to or arising out of the firefighter's role
9 in fire suppression.

10 SEC. 324. Notwithstanding any other provision of law
11 or regulation, to promote the more efficient use of the
12 health care funding allocation for fiscal year 2005, the
13 Eagle Butte Service Unit of the Indian Health Service,
14 at the request of the Cheyenne River Sioux Tribe, may
15 pay base salary rates to health professionals up to the
16 highest grade and step available to a physician, phar-
17 macist, or other health professional and may pay a recruit-
18 ment or retention bonus of up to 25 percent above the
19 base pay rate.

20 SEC. 325. None of the funds made available in this
21 Act may be transferred to any department, agency, or in-
22 strumentality of the United States Government except
23 pursuant to a transfer made by, or transfer authority pro-
24 vided in, this Act or any other appropriations Act.

1 SEC. 326. None of the funds in this Act may be used
2 to prepare or issue a permit or lease for oil or gas drilling
3 in the Finger Lakes National Forest, New York, during
4 fiscal year 2005.

5 SEC. 327. None of the funds made available in this
6 Act may be used for the planning, design, or construction
7 of improvements to Pennsylvania Avenue in front of the
8 White House without the advance approval of the Commit-
9 tees on Appropriations.

10 SEC. 328. In awarding a Federal Contract with funds
11 made available by this Act, the Secretary of Agriculture
12 and the Secretary of the Interior (the “Secretaries”) may,
13 in evaluating bids and proposals, give consideration to
14 local contractors who are from, and who provide employ-
15 ment and training for, dislocated and displaced workers
16 in an economically disadvantaged rural community, in-
17 cluding those historically timber-dependent areas that
18 have been affected by reduced timber harvesting on Fed-
19 eral lands and other forest-dependent rural communities
20 isolated from significant alternative employment opportu-
21 nities: *Provided*, That the Secretaries may award grants
22 or cooperative agreements to local non-profit entities,
23 Youth Conservation Corps or related partnerships with
24 State, local or non-profit youth groups, or small or dis-
25 advantaged business: *Provided further*, That the contract,

1 grant, or cooperative agreement is for forest hazardous
2 fuels reduction, watershed or water quality monitoring or
3 restoration, wildlife or fish population monitoring, or habi-
4 tat restoration or management: *Provided further*, That the
5 terms “rural community” and “economically disadvan-
6 taged” shall have the same meanings as in section 2374
7 of Public Law 101–624: *Provided further*, That the Secre-
8 taries shall develop guidance to implement this section:
9 *Provided further*, That nothing in this section shall be con-
10 strued as relieving the Secretaries of any duty under appli-
11 cable procurement laws, except as provided in this section.

12 SEC. 329. No funds appropriated in this Act for the
13 acquisition of lands or interests in lands may be expended
14 for the filing of declarations of taking or complaints in
15 condemnation without the approval of the House and Sen-
16 ate Committees on Appropriations: *Provided*, That this
17 provision shall not apply to funds appropriated to imple-
18 ment the Everglades National Park Protection and Ex-
19 pansion Act of 1989, or to funds appropriated for Federal
20 assistance to the State of Florida to acquire lands for Ev-
21 erglades restoration purposes.

22 SEC. 330. Section 315(f) of the Department of the
23 Interior and Related Agencies Appropriations Act, 1996
24 (as contained in section 101(c) of Public Law 104–134;

1 110 Stat. 1321–200; 16 U.S.C. 460l–6a note), is amend-
2 ed—

3 (1) in subsection (b), by inserting “subject to
4 subsection (g) but” before “notwithstanding” in the
5 matter preceding paragraph (1); and

6 (2) by adding at the end the following new sub-
7 section:

8 “(g) The Secretary of Agriculture may not charge or
9 collect fees under this section for the following:

10 “(1) Admission to a unit of the National Forest
11 System (as defined in section 11(a) of the Forest
12 and Rangeland Renewable Resources Planning Act
13 of 1974 (16 U.S.C. 1609(a)).

14 “(2) the use of, either singly or in any combina-
15 tion, of the following:

16 “(A) undesignated parking along roads;

17 “(B) overlook sites or scenic pullouts;

18 “(C) information offices and centers that
19 only provide general area information and lim-
20 ited services or interpretive exhibits; and

21 “(D) dispersed areas for which expendi-
22 tures in facilities or services are limited.”

23 SEC. 331. (a) ANNUAL REPORTING REQUIREMENTS
24 ON COMPETITIVE SOURCING ACTIVITIES.—

1 (1) Not later than December 31 of each year,
2 beginning with December 31, 2004, the Secretary
3 concerned shall submit to the Committees on Appro-
4 priations of the Senate and the House of Represent-
5 atives a report, covering the preceding fiscal year, on
6 the competitive sourcing studies conducted by the
7 Department of the Interior, the Forest Service, or
8 the Department of Energy, as appropriate, and the
9 costs and cost savings to the citizens of the United
10 States of such studies.

11 (2) In this subsection, the term “Secretary con-
12 cerned” means—

13 (A) the Secretary of the Interior, with re-
14 spect to the Department of the Interior pro-
15 grams, projects, and activities for which funds
16 are appropriated by this Act;

17 (B) the Secretary of Agriculture, with re-
18 spect to the Forest Service; and

19 (C) the Secretary of Energy, with respect
20 to the Department of Energy programs,
21 projects, and activities for which funds are ap-
22 propriated by this Act.

23 (3) The report under this subsection shall in-
24 clude, for the fiscal year covered—

1 (A) the total number of competitions com-
2 pleted;

3 (B) the total number of competitions an-
4 nounced, together with a list of the activities
5 covered by such competitions;

6 (C) the total number of full-time equiva-
7 lent Federal employees studied under completed
8 competitions;

9 (D) the total number of full-time equiva-
10 lent Federal employees being studied under
11 competitions announced, but not completed;

12 (E) the incremental cost directly attrib-
13 utable to conducting the competitions identified
14 under subparagraphs (A) and (B), including
15 costs attributable to paying outside consultants
16 and contractors and, in accordance with full
17 cost accounting principles, all costs attributable
18 to developing, implementing, supporting, man-
19 aging, monitoring, and reporting on competitive
20 sourcing, including personnel, consultant, trav-
21 el, and training costs associated with program
22 management;

23 (F) an estimate of the total anticipated
24 savings, or a quantifiable description of im-

1 improvements in service or performance, derived
2 from completed competitions;

3 (G) actual savings, or a quantifiable de-
4 scription of improvements in service or perform-
5 ance, derived from the implementation of com-
6 petitions;

7 (H) the total projected number of full-time
8 equivalent Federal employees covered by com-
9 petitions scheduled to be announced in the fis-
10 cal year; and

11 (I) a description of how the competitive
12 sourcing decision making processes are aligned
13 with strategic workforce plans.

14 (b) COMPETITIVE SOURCING EXEMPTION FOR FOR-
15 EST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL
16 YEAR 2005.—Notwithstanding requirements of Office of
17 Management and Budget Circular A–76, Attachment B,
18 the Forest Service is hereby exempted from implementing
19 the Letter of Obligation and post-competition account-
20 ability guidelines where a competitive sourcing study in-
21 volved 65 or fewer full-time equivalents, the performance
22 decision was made in favor of the agency provider; no net
23 savings was achieved by conducting the study, and the
24 study was completed prior to the date of this Act.

1 (c) LIMITATION ON COMPETITIVE SOURCING STUD-
2 IES.—

3 (1) Of the funds made available by this or any
4 other Act to the Department of Energy or the De-
5 partment of the Interior for fiscal year 2005, not
6 more than the maximum amount specified in para-
7 graph (2)(A) may be used by the Secretary of En-
8 ergy or the Secretary of the Interior to initiate or
9 continue competitive sourcing studies in fiscal year
10 2005 for programs, projects, and activities for which
11 funds are appropriated by this Act until such time
12 as the Secretary concerned submits a reprogram-
13 ming proposal to the Committees on Appropriations
14 of the Senate and the House of Representatives, and
15 such proposal has been processed consistent with the
16 reprogramming guidelines in House Report 108-
17 330.

18 (2) For the purposes of paragraph (1), the
19 maximum amount—

20 (A) with respect to the Department of En-
21 ergy is \$500,000; and

22 (B) with respect to the Department of the
23 Interior is \$2,500,000; and

24 (3) Of the funds appropriated by this Act, not
25 more than \$2,000,000 may be used in fiscal year

1 2005 for competitive sourcing studies and related
2 activities by the Forest Service.

3 (d) LIMITATION ON CONVERSION TO CONTRACTOR
4 PERFORMANCE.—

5 (1) None of the funds made available in this or
6 any other Act may be used to convert to contractor
7 performance an activity or function of the Forest
8 Service, an activity or function of the Department of
9 the Interior performed under programs, projects,
10 and activities for which funds are appropriated by
11 this Act, or an activity or function of the Depart-
12 ment of Energy performed under programs, projects,
13 and activities for which funds are appropriated by
14 this Act, if such activity or function is performed on
15 or after the date of the enactment of this Act by
16 more than 10 Federal employees unless—

17 (A) the conversion is based on the result of
18 a public-private competition that includes a
19 more efficient and cost effective organization
20 plan developed by such activity or function; and

21 (B) the Competitive Sourcing Official de-
22 termines that, over all performance periods
23 stated in the solicitation of offers for perform-
24 ance of the activity or function, the cost of per-
25 formance of the activity or function by a con-

1 tractor would be less costly to the Federal Gov-
2 ernment by an amount that equals or exceeds
3 the lesser of—

4 (i) 10 percent of the more efficient or-
5 ganization's personnel-related costs for
6 performance of that activity or function by
7 Federal employees; or

8 (ii) \$10,000,000.

9 (2) This subsection shall not apply to a com-
10 mercial or industrial type function that—

11 (A) is included on the procurement list es-
12 tablished pursuant to section 2 of the Javits-
13 Wagner-O'Day Act (41 U.S.C. 47);

14 (B) is planned to be converted to perform-
15 ance by a qualified nonprofit agency for the
16 blind or by a qualified nonprofit agency for
17 other severely handicapped individuals in ac-
18 cordance with that Act; or

19 (C) is planned to be converted to perform-
20 ance by a qualified firm under at least 51 per-
21 cent ownership by an Indian tribe, as defined in
22 section 4(e) of the Indian Self-Determination
23 and Education Assistance Act (25 U.S.C.
24 450b(e)), or a Native Hawaiian Organization,

1 as defined in section 8(a)(15) of the Small
2 Business Act (15 U.S.C. 637(a)(15)).

3 (3) The conversion of any activity or function
4 under the authority provided by this subsection shall
5 be credited toward any competitive or outsourcing
6 goal, target, or measurement that may be estab-
7 lished by statute, regulation, or policy.

8 (e) COMPETITIVE SOURCING STUDY DEFINED.—In
9 this subsection, the term “competitive sourcing study”
10 means a study on subjecting work performed by Federal
11 Government employees or private contractors to public-
12 private competition or on converting the Federal Govern-
13 ment employees or the work performed by such employees
14 to private contractor performance under the Office of
15 Management and Budget Circular A–76 or any other ad-
16 ministrative regulation, directive, or policy.

17 SEC. 332. Estimated overhead charges, deductions,
18 reserves or holdbacks from programs, projects and activi-
19 ties to support governmentwide, departmental, agency or
20 bureau administrative functions or headquarters, regional
21 or central office operations shall be presented in annual
22 budget justifications. Changes to such estimates shall be
23 presented to the Committees on Appropriations for ap-
24 proval.

1 SEC. 333. None of the funds in this or any other Act
2 may be used by the agencies funded in this Act to imple-
3 ment Safecom, Disaster Management, E-Training, and E-
4 Rulemaking.

5 CONVEYANCE OF A SMALL PARCEL OF PUBLIC DOMAIN
6 LAND IN THE SAN BERNARDINO NATIONAL FOREST
7 IN THE STATE OF CALIFORNIA

8 SEC. 334. (a) FINDINGS.—The Congress finds that—

9 (1) a select area of the San Bernardino Na-
10 tional Forest in California is heavily developed with
11 recreation residences and is immediately adjacent to
12 comparably developed private property;

13 (2) it is in the public interest to convey the
14 above referenced area to the owners of the recreation
15 residences; and

16 (3) the Secretary of Agriculture should use the
17 proceeds of such conveyance to acquire additional
18 lands within the boundaries of the San Bernardino
19 National Forest.

20 (b) CONVEYANCE REQUIRED.—Subject to valid exist-
21 ing rights and such terms, conditions, and restrictions as
22 the Secretary deems necessary or desirable in the public
23 interest, the Secretary of Agriculture shall convey to the
24 Mill Creek Homeowners Association (hereinafter Associa-
25 tion) all right, title, and interest of the United States in
26 and to the Mill Creek parcel of real estate described in

1 subsection (c)(1). In the event the Secretary and the Asso-
2 ciation for any reason do not complete the sale within two
3 years from the date of enactment of this Act, this author-
4 ity shall expire.

5 (c) LEGAL DESCRIPTION AND CORRECTION AUTHOR-
6 ITY.—

7 (1) DESCRIPTION.—The Mill Creek parcel, ap-
8 proximately 28.75 acres, as shown on a map, “The
9 Mill Creek Conveyance Parcel—San Bernardino Na-
10 tional Forest, dated June 1, 2004” and more par-
11 ticularly described as T.1 S., R.1 W., Section 8, E1/
12 2N1/2N1/2NE1/4SE1/4NE1/4S1/2N1/2N1/2SE1/
13 4NE1/4S1/2N1/2SE1/4NE1/4NE1/4SW1/4SE1/
14 4NE1/4N1/2SE1/4SE1/4NE1/4S1/2NE1/4SW1/
15 4NE1/4, located in the San Bernardino Meridian of
16 the United States Public Land Survey System, Cali-
17 fornia. The map shall be on file and available for in-
18 spection in the office of the Chief, Forest Service,
19 Washington, D.C. and in the office of the Forest Su-
20 pervisor, San Bernardino National Forest until such
21 time as the lands are conveyed.

22 (2) CORRECTIONS.—The Secretary is author-
23 ized to make minor corrections to this map and may
24 modify the description to correct errors or to recon-
25 figure the property in order to facilitate conveyance.

1 In the event of a conflict between the map descrip-
2 tion and the USPLSS description of the land in
3 paragraph (1), the map will be considered the defini-
4 tive description of the land.

5 (d) CONSIDERATION.—Consideration for the convey-
6 ance under subsection (b) shall be equal to the appraised
7 fair market value of the parcel of real property to be con-
8 veyed. Such appraisal shall be prepared in conformity with
9 the Uniform Appraisal Standards for Federal Land Acqui-
10 sition.

11 (e) ACCESS REQUIREMENTS.—Notwithstanding sec-
12 tion 1323(a) of the Alaska National Interest Lands Con-
13 servation Act (16 U.S.C. 3210(a)) or any other law, the
14 Secretary is not required to provide access over National
15 Forest System lands to the parcel of real estate to be con-
16 veyed under subsection (b).

17 (f) ADMINISTRATIVE COSTS.—All costs incurred by
18 the Secretary of Agriculture and any costs associated with
19 the creation of a subdivided parcel, conducting and rec-
20 ordation of a survey, zoning, planning approval, and simi-
21 lar expenses with respect to the conveyance under sub-
22 section (b), shall be borne by the Association.

23 (g) ASSUMPTION OF LIABILITY.—By acceptance of
24 the conveyance of the parcel of real property referred to
25 in subsection (b), the Association and its successors and

1 assigns will indemnify and hold harmless the United
2 States for any and all liability to any party that is associ-
3 ated with the parcel.

4 (h) TREATMENT OF RECEIPTS.—All funds received
5 pursuant to the conveyance of the parcel of real property
6 referred to in subsection (b) shall be deposited in the fund
7 established under Public Law 90–171 (16 U.S.C. 484a;
8 commonly known as the Sisk Act), and the funds shall
9 remain available to the Secretary, until expended, for the
10 acquisition of lands, waters, and interests in land for in-
11 clusion in the San Bernardino National Forest.

12 SEC. 335. Section 331 of the Department of the Inte-
13 rior and Related Agencies Appropriations Act, 2001 (Pub-
14 lic Law 106–291; 114 Stat. 996), is amended—

15 (1) in subsection (a), by striking “Until Sep-
16 tember 30, 2004, the” and inserting “The”; and

17 (2) by adding at the end the following new sub-
18 sections:

19 “(d) INCLUSION OF COLORADO BLM LANDS.—The
20 authority provided by this section shall also be available
21 to the Secretary of the Interior with respect to public
22 lands in the State of Colorado administered by the Sec-
23 retary through the Bureau of Land Management.

24 “(e) EXPIRATION OF AUTHORITY.—The authority of
25 the Secretary of Agriculture and the Secretary of the Inte-

1 rior to enter into cooperative agreements and contracts
2 under this section expires September 30, 2009, and the
3 term of any cooperative agreement or contract entered
4 into under this section shall not extend beyond that date.”.

5 TITLE IV—SUPPLEMENTAL APPROPRIATIONS
6 FOR FISCAL YEARS 2004 AND 2005 FOR UR-
7 GENT WILDLAND FIRE SUPPRESSION AC-
8 TIVITIES

9 CHAPTER 1—FISCAL YEAR 2004

10 DEPARTMENT OF THE INTERIOR

11 BUREAU OF LAND MANAGEMENT

12 WILDLAND FIRE MANAGEMENT

13 For an additional amount for fiscal year 2004 for
14 “Wildland Fire Management”, \$100,000,000, to remain
15 available until expended, for urgent wildland fire suppres-
16 sion activities related to the fiscal year 2004 fire season
17 pursuant to section 312 of S. Con. Res. 95 (108th Con-
18 gress), as made applicable to the House of Representatives
19 by H. Res. 649 (108th Congress): *Provided*, That such
20 funds are also available for repayment of advances to
21 other appropriation accounts from which funds are trans-
22 ferred for such purposes: *Provided further*, That cost con-
23 tainment measures shall be implemented within this ac-
24 count for fiscal year 2004, and the Secretary of the Inte-
25 rior shall submit to the Committees on Appropriations of

1 the Senate and the House of Representatives a report on
2 such cost containment measures by December 31 following
3 the end of such fiscal year.

4 DEPARTMENT OF AGRICULTURE

5 FOREST SERVICE

6 WILDLAND FIRE MANAGEMENT

7 For an additional amount for fiscal year 2004 for
8 “Wildland Fire Management”, \$400,000,000, to remain
9 available until expended, for urgent wildland fire suppres-
10 sion activities related to the fiscal year 2004 fire season
11 pursuant to section 312 of S. Con. Res. 95 (108th Con-
12 gress), as made applicable to the House of Representatives
13 by H. Res. 649 (108th Congress): *Provided*, That such
14 funds are also available for repayment of advances to
15 other appropriation accounts from which funds are trans-
16 ferred for such purposes: *Provided further*, That cost con-
17 tainment measures shall be implemented within this ac-
18 count for fiscal year 2004, and the Secretary of Agri-
19 culture shall submit to the Committees on Appropriations
20 of the Senate and the House of Representatives a report
21 on such cost containment measures by December 31 fol-
22 lowing the end of such fiscal year.

1 CHAPTER 2—FISCAL YEAR 2005
2 DEPARTMENT OF THE INTERIOR
3 BUREAU OF LAND MANAGEMENT
4 WILDLAND FIRE MANAGEMENT

5 For an additional amount for fiscal year 2005 for
6 “Wildland Fire Management”, \$100,000,000, to remain
7 available until expended, for urgent wildland fire suppres-
8 sion activities related to the fiscal year 2005 fire season
9 pursuant to section 312 of S. Con. Res. 95 (108th Con-
10 gress), as made applicable to the House of Representatives
11 by H. Res. 649 (108th Congress): *Provided*, That these
12 funds will become available in the event that funds pro-
13 vided in title I of this Act for wildland fire suppression
14 are insufficient: *Provided further*, That such funds are also
15 available for repayment of advances to other appropriation
16 accounts from which funds are transferred for such pur-
17 poses: *Provided further*, That cost containment measures
18 shall be implemented within this account for fiscal year
19 2005, and the Secretary of the Interior shall submit to
20 the Committees on Appropriations of the Senate and the
21 House of Representatives a report on such cost contain-
22 ment measures by December 31 following the end of such
23 fiscal year.

1 DEPARTMENT OF AGRICULTURE

2 FOREST SERVICE

3 WILDLAND FIRE MANAGEMENT

4 For an additional amount for fiscal year 2005 for
5 “Wildland Fire Management”, \$400,000,000, to remain
6 available until expended, for urgent wildland fire suppres-
7 sion activities related to the fiscal year 2005 fire season
8 pursuant to section 312 of S. Con. Res. 95 (108th Con-
9 gress), as made applicable to the House of Representatives
10 by H. Res. 649 (108th Congress): *Provided*, That these
11 funds will become available in the event that funds pro-
12 vided in title II of this Act for wildland fire suppression
13 are insufficient: *Provided further*, That such funds are also
14 available for repayment of advances to other appropriation
15 accounts from which funds are transferred for such pur-
16 poses: *Provided further*, That cost containment measures
17 shall be implemented within this account for fiscal year
18 2005, and the Secretary of Agriculture shall submit to the
19 Committees on Appropriations of the Senate and the
20 House of Representatives a report on such cost contain-
21 ment measures by December 31 following the end of such
22 fiscal year.

23 This Act may be cited as the “Department of the In-
24 terior and Related Agencies Appropriations Act, 2005”.

Union Calendar No. 314

108TH CONGRESS
2^D SESSION

H. R. 4568

[Report No. 108-542]

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

JUNE 15, 2004

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed